

1           MR. REID: I'm sorry, your Honor, I will need to dig  
2 that out. I think it was -- is that the document that was  
3 given yesterday?

4           MS. CLEMENT: 281 was the, um, correspondence that we  
5 went over with --

6           MR. REID: Oh. No, I have no objection. I'm sorry.

7           THE COURT: 281 is admitted into evidence.

8           **(Joint Exhibit 281 was marked and admitted into evidence.)**

9           THE COURT: Who is our next witness, please?

10          MS. CLEMENT: Danielle Woodlee, pursuant to 776, your  
11 Honor.

12          THE COURT: If you would please come forward to our  
13 witness stand and after you put your purse down if you would  
14 please remain standing. Raise your right hand and face the  
15 clerk.

16          THE CLERK: Do you solemnly swear that the testimony  
17 you are about to give in the cause now pending before this  
18 Court will be the truth, the whole truth, and nothing but  
19 the truth?

20          THE WITNESS: I do.

21          THE CLERK: You can have a seat, please.

22          Can you state your name and spell it for the record,  
23 please?

24          THE WITNESS: Um, it's Danielle Woodlee, and it's  
25 D-a-n-i-e-l-l-e W-o-o-d-l-e-e.

26          THE CLERK: Thank you.

27          THE COURT: Ms. Clement.

28          MS. CLEMENT: Yes.

1 TESTIMONY OF  
2 DANIELLE WOODLEE, Witness called under Evidence Code 776 on  
3 behalf of the Plaintiffs,

4 CROSS-EXAMINATION

5 By LESLEY A. CLEMENT, Attorney at Law, Counsel on behalf of  
6 the Plaintiffs:

7 Q Good morning, Ms. Woodlee.

8 A Good morning.

9 Q Can you please tell the jurors, um, what your  
10 connection is to Emerald Hills, Emeritus at Emerald Hills?

11 A Um, I was a concierge there for just short of four  
12 years.

13 Q And what were the dates that you worked there?

14 A Um, I started in 2006, I believe in October, and I  
15 left there, um, late 2010, I believe in October.

16 Q Any significant events that occurred in your life  
17 while you worked there?

18 A Um, many. I turned 21 while I was there. I was  
19 pregnant, I had my son while working there, um, along with  
20 other events that happened at work. But, yeah, it was -- it  
21 was a big part of my life working there.

22 Q And can you tell us what were, um -- did you have a  
23 job description while you worked there?

24 A I did, yes.

25 Q Okay. And, um, did the form of the job description  
26 change?

27 A It did. When I first started it was, um, it was  
28 very -- it was a lot smaller of a job, not very many

1 responsibilities, um, but then it -- it grew into a much  
2 bigger responsibility and a lot more detail, working with  
3 management staff.

4 MS. CLEMENT: Okay. At this time we would put up  
5 Exhibit Number 15, your Honor.

6 THE COURT: All right.

7 Q (By MS. CLEMENT) And is this your job description?  
8 And can everyone read that exhibit there? Okay.  
9 And was -- tell us a little bit about what your job  
10 duties were.

11 A Um, my --

12 THE COURT: She didn't answer the question.

13 MS. CLEMENT: Okay. I'm sorry.

14 THE COURT: She is asking you whether or not this is  
15 your job description.

16 THE WITNESS: Yes, that is part of it. Yes.

17 MS. CLEMENT: Thank you, Judge.

18 Q (By MS. CLEMENT) And, um, was it your job to be the  
19 first point of contact for the, um, residents, potential  
20 residents, vendors coming to the building, um, anyone  
21 interested in having a tour?

22 A Yes, it was.

23 Q Okay. And -- and what were you supposed to be doing  
24 in the course of your job, what were your basic job duties?

25 A Um, my main basic job duty was to take inquiry calls  
26 from potential, um, residents, their family members. Um, if  
27 they were to come in, tour them, show them the facility,  
28 answer any questions that they had in regards to the care of

1 the -- level of care that we offered, the type of services,  
2 um, amenities, activities, um, such as that.

3 Q And, Erik, can you put up the, um, site inspection,  
4 exhibit number --

5 Where did you sit?

6 A Um, in the lobby. So when you were to walk in the  
7 double doors, I was the first person you were to see, unless  
8 you happened to have someone else walking out.

9 Q Okay. And, Erik, could you put up the lobby door  
10 exhibit, which has already been moved into evidence, it's  
11 Exhibits 240 and 241?

12 Okay. And can you tell us where -- what -- where was  
13 your desk?

14 A So that, um, was my desk. So that was my desk there,  
15 and then off to the side right there, that computer, um, was  
16 the computer that had the resident alerts. So any time a  
17 resident would push their pager button it would show up with  
18 the resident's name, the room number, and the time that they  
19 paged at, and then, um, if they paged multiple times, and  
20 then the lapse of time it would show on there as well.

21 Q Was one of your responsibilities to be monitoring the  
22 pendant alerts?

23 A Yes, it was. It was.

24 Q Okay. And then from your desk what was directly  
25 across from your desk?

26 A Um, so when you would walk in my desk was right in  
27 front of the marketing office, and then right across from my  
28 desk there is another living room area, um, that was open

1 with a fireplace. That one opening right there is an  
2 entrance into the dining area.

3 So I had a view of the, um, the elevator, the dining  
4 area, the front living room, and then my desk was right in  
5 front of the executive director's office and the marketing  
6 office.

7 Q Okay. Erik, can you take us to the next two shots  
8 here?

9 So in -- is this, looking down the hall, is that  
10 looking toward the elevator?

11 A Yes. So if you were to go down that hallway that  
12 would be taking you to the elevator. That other opening is  
13 an entrance into the, um, dining area. And on the, um,  
14 right side of that little sign-in book is a opening into  
15 the, um, the first floor open front living room.

16 Q Okay. Is that the living room with the fireplace  
17 where residents would sit?

18 A Yes. That was the living room where they had a  
19 monthly resident council meeting and that is where the  
20 residents would go over, um, everything, activities, issues.

21 Q Okay. And then, Erik, can you do the next, um, which  
22 is 242?

23 Now, how far away from your desk is the, um, Emerald  
24 City, or the Memory Care Unit?

25 A So if you were to walk in and you would pass my desk,  
26 you would go to the left. You would see -- this little  
27 white area right here is all of the mailboxes for the  
28 residents. That -- those are the doors right there to the,

1 um, Emerald City, and then the door right there on the left,  
2 that is actually the med room for the whole building.

3 Q Okay. And what's the door on the right?

4 A The door on the right is a public restroom. The door  
5 right in front of that is the, um, staff clock-in and  
6 clock-out area, um, where we would post the schedule and,  
7 um, any notes or anything like that for management.

8 Q Okay. So thank you, Erik. Thank you, Terrance.

9 So did over time your duties expand from just simply  
10 answering the phone and greeting families to being more part  
11 of the sales team?

12 A Yes. Absolutely.

13 Q And, um, did that -- did being part of the sales team,  
14 did that mean you, um, joined in the stand-up meetings for  
15 the, um -- every morning?

16 A Yes. Um, in fact, before I -- we even became part of  
17 the sales team we were included in the stand-up meetings, so  
18 I was always included in them.

19 Q Okay. Can you tell the jurors what happened in these  
20 stand-up meetings?

21 A Um, we had a large white board that was in the  
22 marketing office that normally would be covered so any  
23 potential other, um, residents and their families that would  
24 come in couldn't see any notes on obviously anybody else  
25 that would be moving in. Um, we would first go over the  
26 board. We would go over any hot, warm, or cold leads. We  
27 would talk about, um, possible gifts to buy potential  
28 residents that were coming. Maybe do some home visits. Um,

1 we would go over, um -- after we did the sales and marketing  
2 portion, then the nurse would normally bring up, um, any  
3 level of care changes or any potential for, um, levels of  
4 care that would threaten a move-out for the community and  
5 then, um, any other issues that any other managers would  
6 possibly be brought up, but usually the stand-up meeting was  
7 90 percent sales.

8 Q Now, was part of your duties to assist residents and  
9 families with, um, questions or problems they had with  
10 filling out, um, forms that they needed to become a resident  
11 at Emeritus?

12 A Yes. Um, if I were to give tours to a, um, family and  
13 they wanted to possibly take the physician's report or 602,  
14 we would instruct them, go ahead and take this out, have the  
15 doctor fill them out, or you can bring in, um, a form that  
16 you may possibly already have. Um, go over any questions  
17 that they might have and instruct them, you know, how to --  
18 if they had any questions, you know, answer them for them as  
19 best I could.

20 Q Were you given any training on, um, how to tell the  
21 families what they should be telling the physicians with  
22 regard to filling out the 602s?

23 A Um, the only thing that I was instructed when it came  
24 to that was if it became a move-in issue with cost for  
25 memory care.

26 So if we had a family that was moving their mother or  
27 father in and they came in with a diagnosis of Alzheimer's  
28 or dementia and they couldn't afford it because memory care

1 was more expensive because it entails more attention to  
2 their loved ones, we could instruct them to request -- have  
3 the family request of the physicians if they were to put  
4 mild cognitive impairment, which is a early form of  
5 Alzheimer's dementia, they could live on the assisted living  
6 side and it wouldn't cost as much.

7 Q Who gave you the -- those -- that coaching or  
8 instruction as to how to coach the families on how to fill  
9 out these 602s?

10 A Many people. Um, people from regional, um, Nancy  
11 Cordova, Peggy Stevenson, Ronda, Lisa, um, almost anybody  
12 there said it was -- it was okay to do.

13 Q Um, it says on your job description that one of your  
14 job responsibilities is to proactively assist residents,  
15 families, visitors and employees with questions or problems  
16 that would result in a positive experience.

17 Um, were you someone that the caregiving staff came to  
18 when they had problems or concerns?

19 A Absolutely. Yes.

20 Q And during the time period from when you first started  
21 through, um, Mrs. Boice's -- well, let me rephrase that.

22 Do you remember Mrs. Boice?

23 A I do, yes.

24 Q And do you remember her husband, Myron?

25 A I do, yes.

26 Q And how about her family?

27 A I distinctly remember her family. I remember Eric and  
28 Kathleen. Eric use to always come in on Saturdays before



1 pee wee football. They played for the Hillman, so he always  
2 came in in his hat so...

3 Q Um, I'm going to back it up a little bit here. Sorry.

4 Who were your supervisors while you worked at  
5 Emeritus?

6 A Technically any manager in the building and above was  
7 my boss.

8 Q Okay. And how many different executive directors did  
9 you have in your employment?

10 MR. REID: Relevance and 352, your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: Um, is it okay to answer?

13 MS. CLEMENT: Yes. That means it's okay.

14 THE WITNESS: Um, so I had Angela Johnson, Nancy  
15 Cordova, um, Rich Lee, and then we had Davina that was a  
16 substitute, um, ED when Rich Lee was hired because he was  
17 not hired with an RCFE license so she was standing in while  
18 he was receiving that, and then he put his notice in. And  
19 then we had a stand-in of Diana Engle (phonetic), and at  
20 that time that is when I put my notice in to leave.

21 Q (By MS. CLEMENT) And how about the other, um,  
22 managers, the resident care directors, how many did you have  
23 in your employment?

24 A Um, with nurses it was --

25 MR. REID: It's overbroad, relevance, and 352.

26 THE COURT: Overruled.

27 THE WITNESS: Um, while working there I had Tracy  
28 Deekel, Mary Kasuba, Bertha Bell, who was a substitute that

1 came in from another building, so she would only be there a  
2 couple of days a week. I had Peggy Stevenson, Joe Franklin.  
3 Um, I do know that Doris Marshall came in at one point when  
4 we were between, um, nurses, and Kim Moes came in at one  
5 point not to be a nurse but to, um, help out while we didn't  
6 have a nurse at the building.

7 Q (By MS. CLEMENT) So Kim Moes, she came over -- she  
8 was a wellness coordinator?

9 A Yes, I believe that was her title.

10 Q And how long of periods of time would you go without a  
11 nurse in the building?

12 A Um, I wouldn't say it would be more than maybe a  
13 couple of months because we would have stand-ins, um, but  
14 there were definitely multiple days in a row where we didn't  
15 have one at the building.

16 Q And, um, when you did have a nurse, was the nurse  
17 always a full-time nurse? In other words, at least working  
18 a 40-hour workweek?

19 A For the most part, yes, but not always, no. I mean,  
20 there were times when they would be somewhere else,  
21 trainings, um, um, having to go to another building if  
22 another building was short. Um, other buildings would send  
23 them to help us so then we would obviously send ours to, um,  
24 help them as well.

25 Q Do you remember Peggy Stevenson, um, being one of  
26 those nurses who had to go to another building?

27 A Yes. I believe she -- I believe she was helping a  
28 Roseville one. Um, she would go there, um, one to two days

1 a week.

2 Q And do you remember when Peggy was going to the  
3 Roseville building?

4 A Um, it was for -- I want to say it was for about two  
5 to three months, and I believe that parts of it it was her  
6 helping to possibly train somebody that they had found for  
7 that position at that building.

8 Q All right. And do you remember whether Peggy was  
9 going to the Roseville building during the time that  
10 Mrs. Boice was a resident?

11 A I believe in the, um, beginning -- I believe in more  
12 of the beginning of the stay that that is when she was still  
13 going there, correct.

14 Q And why is it that you remember that Mrs. Steven --  
15 Peggy Stevenson was not in the building and going to  
16 Roseville during the time that Mrs. Boice was a resident?

17 A Um, there were many times when the family would come  
18 in there requesting to speak with her or Nancy Cordova or  
19 Alicia and they weren't available, and because the family  
20 was asking me to locate them so they could speak with them,  
21 their frustration clearly came across when they are looking  
22 for someone to ask questions to and they weren't even in the  
23 building.

24 Q Was there anyone else looking for Peggy Stevenson, the  
25 facility nurse, during the time that Mrs. Boice was there?

26 A Um, almost daily someone --

27 MR. REID: Objection, it's, um -- it's a yes or no  
28 question, non-responsive.

1 THE COURT: You can answer yes or no.

2 THE WITNESS: Yes.

3 Q (By MS. CLEMENT) Who else was looking for Peggy  
4 Stevenson?

5 MR. REID: That calls for hearsay, it's, um, 352, it's  
6 vague as to time and overbroad.

7 THE COURT: The objection -- this is beyond the Boice  
8 family; is that correct?

9 MS. CLEMENT: It's during the time period that  
10 Mrs. Boice was a resident.

11 THE COURT: All right. Counsel approach, please.

12 (Sidebar conference was held.)

13 MS. CLEMENT: Thank you, your Honor.

14 THE COURT: All right. Could you read back the  
15 question at line 20, please, for the witness?

16 The objection is overruled.

17 (Whereupon the question on line 20 was read back as  
18 requested.)

19 THE WITNESS: Other family members would look for her,  
20 other employees as med techs, resident assistants, and  
21 sometimes even residents themselves would be looking for  
22 her.

23 Q (By MS. CLEMENT) Were there any outside service  
24 providers that were looking for Peggy?

25 A Um, we had Hospice nurses that would come in or other,  
26 um, other nurses that family members could privately hire to  
27 come in, and sometimes they wouldn't -- would request to  
28 speak with her because they would need to speak with the

1 nurse as opposed to an RA or a med tech for specific things.

2 Q And were you ever given any instruction as to what you  
3 were supposed to say when families were looking for, um,  
4 Peggy?

5 A Yes. It would depend on the specific --

6 MR. REID: It's non-responsive.

7 THE COURT: The question called for a yes or no.

8 THE WITNESS: Yes.

9 THE COURT: Just listen to the question, and I'm sure  
10 Ms. Clement will follow-up if she needs to.

11 THE WITNESS: Okay. Yes.

12 Q (By MS. CLEMENT) And what -- on what basis would  
13 family members -- excuse me. And what were the instructions  
14 that you received?

15 MR. REID: That calls for hearsay, your Honor.

16 THE COURT: Is there any exception?

17 MS. CLEMENT: It's -- it's -- let me lay a foundation.

18 Q (By MS. CLEMENT) From whom were you receiving  
19 instructions as to what to say when family members were  
20 looking for Peggy?

21 A Peggy or Nancy or Alicia.

22 MS. CLEMENT: It's admission by party.

23 THE COURT: All right. The objection is overruled.

24 Q (By MS. CLEMENT) And what instructions were you given  
25 when -- by Peggy when family members were looking for her?

26 A I was instructed at times that she was to be in a  
27 meeting and not to be disturbed, and they would go into  
28 Nancy Cordova's office and shut the blinds.

1 Q So when you say "they would go into Nancy Cordova's  
2 office", who is "they"?

3 A Nancy Cordova, Peggy and Alicia.

4 Q Anything else you were instructed to say when someone  
5 was looking for -- a family member was looking for Peggy?

6 A Um, I would instruct -- I would be instructed to tell  
7 them that she was at another building, if that was the day  
8 she would be there, um, or that she was unavailable, she  
9 would be in meetings possibly, um, out also at other  
10 trainings as well.

11 Q How about Nancy, um, did you get some instruction from  
12 Nancy as to what to say if the, um, family members were  
13 trying to make contact with her?

14 A She would be in the meetings as well or she would be  
15 out at trainings or unavailable.

16 Q How about when the home health care nurses or Hospice  
17 nurses would come in, did you get any specific instruction  
18 as to what you were to say to them if they were looking for  
19 Peggy or Nancy?

20 A It would be the same instructions; that they weren't  
21 available, they were in a meeting, they were out at a  
22 training.

23 Q Did you, um -- do you have any specific recollection  
24 about Mrs. Joan Boice's family trying to get in contact with  
25 either Peggy or Nancy?

26 A Yes.

27 Q And can you tell the jury what you remember about  
28 that?

1       A       I remember multiple times the family coming in, um,  
2       requesting to speak with them. They would come in, speak  
3       with me at my desk, say they were going to go visit mom, go  
4       see Myron, and then following they would like to speak with  
5       Peggy or Nancy or Alicia, all three of them, or one of them,  
6       and they would go visit.

7       I would instruct Peggy, Nancy, Alicia, one of them or  
8       even all three of them, and most of the time they would say  
9       that you need to tell them they are unavailable -- we are  
10      unavailable and we are going to be in a meeting or we are  
11      going to be on a conference call.

12      Q       Did you ever have specific interaction with Eric Boice  
13      that you remember when he was particularly frantic when he  
14      came in to see his mother?

15      A       Um, there were -- there were a couple interactions  
16      that I had with him where he wasn't in -- where he wasn't  
17      happy.

18      Um, I specifically do remember one where he, um -- I  
19      believe it was on a Saturday -- had to come in and bring  
20      medication to his mother because she was out of it and we  
21      didn't order it. So they had to go pick it up. And it was  
22      on a Saturday. And I remember speaking with him because I  
23      was quite embarrassed because he brought the medication in  
24      and I could not find the med tech on staff, so he had to  
25      leave it with me when I'm not supposed to take the  
26      medication. And he was getting ready to go to one of his  
27      son's football games.

28      Q       Over the course of your employment did you get any

1 training on what type of residents could or couldn't be  
2 accepted into Emeritus assisted living?

3 A Yes. Um, I got multiple trainings throughout the  
4 years that I worked there, um, and it changed frequently.

5 Q Okay. What -- what were your -- what was your first  
6 training like, what were you first told and by whom as to  
7 what type of residents to take?

8 A Um, when I was first hired I was, um, trained by Tracy  
9 Deekel, Angela Johnson and Sheri Henry that, um, they need  
10 to be, um, more active, they need to be more involved. We  
11 usually like them to be involved in the touring process so  
12 they can see where they are going to be living. And, um, at  
13 that point that is when, um, Tracy Deekel would really get  
14 involved in the touring aspect, she would usually meet with  
15 them at the end of every tour.

16 Q And Tracy was the nurse?

17 A Tracy was the first nurse that worked there when I  
18 started.

19 Q Okay. And, um, when did Tracy and Angela leave?

20 A I want to say they left about -- between six to nine  
21 months after I started.

22 Q So after Angela -- was Angela the executive director?

23 A Yes, she was.

24 Q And the person who replaced her was Nancy?

25 A Yes.

26 Q And so when Nancy came on board, um, was this after  
27 the Summerville merger?

28 A It was around the same time.



1 Q And this is at a time when Summerville and Emeritus  
2 merged into one company?

3 A Yes.

4 Q Did you notice any changes in the training after that  
5 occurred?

6 A There were a lot more, um, sales and marketing  
7 trainings. They were involving a lot more people in sales  
8 and marketing trainings. They, um, had more, um, like  
9 employee, um, meetings in regards to, um, specifics that  
10 they were looking for, but usually it was just a sales and  
11 marketing training that I was involved in.

12 Q Was there any change in the type of training that you  
13 received on what type of residents Emeritus would accept  
14 after the Summerville merger?

15 A Um, it was really told that we could almost accept  
16 anybody. Um, I mean, they would have to be almost skilled  
17 nursing level before we could, um, accept them. So we -- I  
18 mean, we had a lot of residents that weren't independent  
19 that all needed care.

20 Q Did you attend any sales and marketing training from  
21 Granger Cobb?

22 A I did, yes. When Angela Johnson was still there he  
23 came to our building.

24 Q And what did he train about?

25 A Um, it was sales and marketing and teamwork.

26 Q And about the sales and marketing department, how many  
27 different people did you have in the course of your  
28 employment in the sales and marketing position?

1     A       Um, I had -- I started with Sheri Henry. Then we had  
2     a Christina Smith, a Danielle Stephenson, a Melissa Maleek  
3     (phonetic), a Karen Jankowski (phonetic), Melissa Gratiot.  
4     Donna Hyatt came in at one point when we didn't have a sales  
5     and marketing director and also came in to assist with sales  
6     and marketing when we did have a sales and marketing  
7     director. That is all I can recall.

8     Q       Did you have an understanding that residents with  
9     dementia were being accepted into the assisted living side  
10    after the merger?

11   A       Yes.

12           MR. REID: Lacks foundation, your Honor.

13           THE COURT: As phrased; sustained.

14           MR. REID: Move to strike the answer, please.

15           THE COURT: Granted.

16   Q       (By MS. CLEMENT) Let me ask you this: Did you  
17   collect the paperwork from the families who were seeking to  
18   have their loved ones admitted to the facility?

19   A       Yes.

20   Q       Was that part of your job description?

21   A       Yes.

22   Q       And would you also be helping those family members  
23   with filling out the paperwork that they were given?

24   A       Yes.

25   Q       And did that paperwork include the 602 physician's  
26   reports?

27   A       Yes.

28   Q       And would you review those with them?

1 A Yes.

2 Q And did you have any training on those 602s that you  
3 were supposed to be coaching the families with regard to how  
4 to fill those out?

5 MR. REID: That is asked and answered, your Honor.

6 THE COURT: She can answer.

7 THE WITNESS: Could you repeat the question?

8 MS. CLEMENT: Yes.

9 Q (By MS. CLEMENT) Were you given coaching by your  
10 superiors on how to coach the families to get the physicians  
11 to fill out those 602s?

12 A Yes, I was.

13 Q So did you then know that once the merger took place  
14 that residents with dementia were being admitted to the  
15 assisted living side of the building?

16 A Yes.

17 Q Was there any other ways that you know, other than  
18 looking at the 602s, that there were residents with dementia  
19 living on the assisted living side?

20 A You could tell by the residents themselves.

21 Q And was part of your job to go through the facility  
22 and visit with the residents and help with activities?

23 A Yes.

24 Q And was also part of your job to proactively assist  
25 employees with questions or problems that they had?

26 A Yes.

27 Q And did you hear from the caregiving staff that there  
28 were residents on the assisted living side that had

1 dementia?

2 A Yes.

3 Q Was that a concern that they raised with you?

4 A Yes.

5 Q What other concerns did the med techs and caregivers  
6 raise with you after the merger with Summerville?

7 MR. REID: That is overbroad and may be 352 and calls  
8 for hearsay.

9 THE COURT: All right. We need -- I'm going to  
10 sustain it on the grounds of overbroad at this point. I  
11 can't rule on the others at this point.

12 MS. CLEMENT: Okay.

13 Q (By MS. CLEMENT) Well, let's just talk about from  
14 the, um, time of the merger, which was in September of 2007,  
15 through the time Mrs. Boice was a resident, which was the  
16 end of December of 2010, okay?

17 A Okay.

18 Q Did you hear concerns from the med techs and  
19 caregivers regarding, um, the residents' needs?

20 A Yes.

21 Q And what type of concerns did you hear from the med  
22 techs and caregivers?

23 A That they are short-staffed so they weren't meeting  
24 their needs. They didn't have the proper equipment to  
25 communicate between resident assistants to make sure that  
26 the residents were getting help, and that they felt there  
27 were residents on the AL side that needed to be in the  
28 Memory Care Unit.

1 Q Were there staff meetings that you attended besides  
2 these stand-up meetings in the morning in the marketing  
3 office?

4 A Yes. We had staff meetings.

5 Q And how frequent were those?

6 MR. REID: That is asked and answered, your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: Um, we tried to have one every month but  
9 that didn't always happen.

10 Q (By MS. CLEMENT) And what was the purpose of the  
11 monthly staff meetings?

12 A Um, we would -- we would go over multiple things. We  
13 would have, um -- management would talk about any issues,  
14 any changes at the building we were going to be having, any  
15 new rules, dress codes, um, then it would give the employees  
16 grounds to bring up any concerns that they had.

17 Q Were you ever, um, approached by the caregiving staff  
18 and asked to speak on their behalf about concerns that they  
19 had with regard to resident care issues, resident acuity  
20 issues, things like that?

21 A Yes.

22 Q And did you raise those on behalf of those employees  
23 at the monthly staff meetings?

24 A Yes.

25 Q Did you ever get in trouble for raising those at the  
26 monthly staff meetings?

27 A Yes.

28 Q And what kind of trouble did you get into for raising

1 those concerns?

2 A Um, I would be told in the meeting itself that because  
3 it wasn't my job it wasn't my place to bring those issues  
4 up. Um, I would argue the fact that I was seeing it. And,  
5 um, I would also be told that it would be something that  
6 would be discussed in the office privately between Peggy and  
7 Nancy and any other management staff.

8 Q Do you remember the names of any of the employees who  
9 told you that they wanted you to bring up their concerns out  
10 of fear?

11 A Yes.

12 Um, do you want me to give you the names?

13 Q Yes, you can.

14 A Um, I -- Jenny Hitt, Tracy Jackson, Nanette Read,  
15 Heather Dunlap, Lynda Kittle, um, Anjelica Juarez, Martiza  
16 Morales, Dan Nyler (phonetic). Um, I know there is more but  
17 that is all I can remember.

18 Q Besides the line staff, the caregivers and med techs  
19 and yourself, who else would attend these monthly staff  
20 meetings?

21 A Um, everybody, even kitchen staff, housekeeping.  
22 Everybody was supposed to be included in them.

23 Q Were department heads there?

24 A Yes, they were.

25 Q Okay. So Nancy and Peggy would be there?

26 A Yes.

27 Q And after Nancy and Peggy left -- I'm going to broaden  
28 it now, your Honor, out through the end of her employment,

1 which was 2010 -- did these monthly staff meetings continue?

2 A Yes, they did.

3 Q And would they still be led by the executive  
4 directors?

5 A Yes, they would.

6 Q And, um, were these concerns that you were -- had been  
7 raising under the Peggy and Nancy administration, did those  
8 concerns continue?

9 A Yes, they did.

10 Q And did you see any change as a result of those  
11 concerns being raised?

12 A No improvements.

13 Q Were you asked to go into Nancy's office and talk to  
14 her about these understaffing concerns?

15 A Yes, I was.

16 Q And what was Nancy's response?

17 A Her response was I was trying to cause trouble. If  
18 there were real concerns, the residents would bring -- the  
19 RAs, I'm sorry, would bring them up themselves. That it  
20 wasn't my place. That I didn't know what they could, um,  
21 have on staff. That if they weren't fully, um -- if the  
22 building wasn't at 100 percent occupancy that they had the  
23 staff that they were allowed to have for how many residents  
24 that they had.

25 Q So we have heard some testimony before you got here,  
26 um, that -- about the average residents' functional status.

27 Would you say that, um, the average resident at  
28 Emeritus was independent and could drive themselves to the

1 bank?

2 A No.

3 MR. REID: That is overbroad, it lacks foundation.

4 THE COURT: Time frame, please. Sustained.

5 MS. CLEMENT: Okay.

6 Q (By MS. CLEMENT) So say from the time of the merger  
7 through the end of Mrs. Boice's time there, um, December of  
8 2008, was the average resident at the facility someone who  
9 could drive themselves to the bank?

10 A No.

11 Q Was that common for the residents at Emerald Hills to  
12 be driving themselves around?

13 A No.

14 Q Was the typical assisted living side resident at  
15 Emerald Hills independent?

16 MR. REID: That is vague, it lacks foundation.

17 THE COURT: Sustained.

18 Q (By MS. CLEMENT) As part of your job duties were you  
19 reviewing the residents' paperwork that was put together  
20 when they first came into the facility?

21 A I put their files together, yes.

22 Q And would you review those files?

23 A Yes.

24 Q And when you did that review of the files, in addition  
25 to that, reading the diagnoses and the, um, level of care --  
26 would those both be included in the residents' files?

27 A Yes.

28 Q And if the resident evaluation had been added up,



1     there would be a point score at the bottom?

2     A       Yes.

3     Q       And was the typical assisted -- oh. And you also  
4     spent time on the assisted living side of the building;  
5     true?

6     A       Yes.

7     Q       Were you ever asked to go help out?

8     A       Yes.

9     Q       And under what circumstances would you be asked to go  
10    help out on the assisted living side?

11    A       Um, I would help pass meals. I would help, um,  
12    escort residents down for, um, meals. I would be -- at a  
13    couple points I was asked to help pass medication.

14    Q       Who asked you to help pass medication?

15    A       Multiple people. Um, it was usually the med tech, but  
16    the management knew that I was doing it.

17    Q       When you say "the management knew", who do you mean?

18    A       Um, Alicia, Peggy, Nancy, Chris, whichever marketing  
19    director we had at the time.

20    Q       And why were you being asked to pass medicines?

21    A       Various reasons. If a resident -- if a two person  
22    assist resident needed help coming down to a meal and we had  
23    one RA on the assisted living side with a scheduled med tech  
24    and one RA in the memory care side and a two person assist  
25    resident needed help, they would have to go help them. And  
26    there were times when I had to help. I mean, I couldn't  
27    just sit there and not do something.

28    Q       Was the typical assisted living side resident at

1 Emerald Hills independent during the time of your  
2 employment?

3 A No.

4 MR. REID: The question is vague, your Honor.

5 THE COURT: I think it was asked. The objection is  
6 sustained.

7 MS. CLEMENT: Actually before it was sustained on lack  
8 of foundation, so I laid a foundation.

9 THE COURT: Right. But the question is "independent",  
10 it is vague.

11 MR. REID: Could I ask to strike the answer, your  
12 Honor?

13 THE COURT: Yes.

14 MR. REID: Thank you.

15 Q (By MS. CLEMENT) What is your understanding of what  
16 the term "independent" means for Emeritus?

17 MR. REID: Lacks foundation, assumes facts not  
18 established.

19 THE COURT: She can answer.

20 THE WITNESS: Independent means they don't need any  
21 assistance.

22 Q (By MS. CLEMENT) So from your experience working at  
23 Emerald Hills from the time period of the merger in 2007  
24 through the end of Mrs. Boice's stay, what percentage of the  
25 residents at Emerald Hills were independent?

26 A Maybe 5 percent, if that.

27 Q And why would independent residents be living at  
28 Emerald Hills from your involvement -- based upon your

1 understanding and review of their records and meeting with  
2 the residents and these families?

3 A Most of the residents that were independent that were  
4 living there had a spouse that was there that needed care,  
5 and they wanted to be in the same building as them.

6 Q Was there an independent living, um, facility for  
7 seniors in the neighborhood?

8 A Yes. Down the street.

9 Q And what was that called?

10 A The Oaks of Auburn.

11 Q What was your observation and understanding, based  
12 upon your review of the records and your observation in  
13 helping in the facility, as to what the level of need was of  
14 the residents who lived on the assisted living side?

15 MR. REID: That is vague and overbroad.

16 THE COURT: It's Overbroad; sustained.

17 Q (By MS. CLEMENT) I will limit you to the time frame  
18 of when the merger took place in 2007 through the end of  
19 Mrs. Boice's stay --

20 A Okay.

21 Q -- in December 2008.

22 Can you tell us, what was the level of functioning of  
23 the residents who needed -- who lived on the assisted living  
24 side?

25 A They needed some sort of assistance, whether it was  
26 with medications, bathing, dressing, being reminded to come  
27 down for meals. That was the average care that we provided  
28 almost to every resident in our building.

1 Q Did you ever have anyone, other than the caregivers,  
2 complain to you about staffing?

3 A Yes.

4 Q Who else complained to you about staffing?

5 A Families, residents themselves.

6 Q And how did you receive these complaints?

7 A Face-to-face.

8 Q And what would you do with the complaints that you  
9 received from families and residents about understaffing?

10 A I would tell them that I understood their frustration.  
11 I told them that they needed to direct it to management  
12 because there wasn't anything I could do.

13 THE COURT: All right. Ms. Clement, I think this  
14 would be a good time to stop.

15 MS. CLEMENT: Okay.

16 THE COURT: Ladies and gentlemen, leave your notebooks  
17 on the chairs. Please remember the admonitions. I will see  
18 you back at 1:30.

19 And for our witness, we need you back on the stand at  
20 1:30.

21 THE WITNESS: I will be here.

22 THE COURT: Thank you.

23 THE WITNESS: You're welcome.

24 THE COURT: We are in recess.

25 **(The following proceedings were held in open court, outside**  
26 **the presence of the jury:)**

27 THE COURT: All right. I will see you all at 1:30.

28 MS. CLEMENT: Thank you.

1 MR. REID: Your Honor, may I just raise one issue?

2 I mentioned at sidebar that, um, I think it's  
3 (Redacted), um, who we have observed sleeping at points of  
4 the -- of the trial. She -- I mentioned at sidebar that she  
5 has been making verbal comments while I'm doing my  
6 questioning, and, um, she did do it just in my follow-ups  
7 with Ms. Stevenson. I made eye contact with Mr. Taylor. I  
8 don't know if you heard it or not, but I just wanted to make  
9 sure that the Court is aware of it.

10 THE COURT: When we get back at 1:30 I am going to  
11 remind the jurors not to have any reaction to any of the  
12 testimony or questioning or to make any comments out loud  
13 while it's going on. Make sure I do that, okay?

14 MR. REID: Okay. Thank you, your Honor.

15 THE COURT: All right. We are in recess.

16 MS. CLEMENT: Thank you, Judge.

17 (Lunch recess.)

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1 THURSDAY, JANUARY 24, 2013

2 AFTERNOON SESSION

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4 The matter of JOAN BOICE, by and through her  
5 Successor-in-Interest, ERIC BOICE, and ERIC BOICE, NANCEE  
6 BOICE, and MARK BOICE, individually, Plaintiffs, versus  
7 EMERITUS CORPORATION dba EMERITUS AT EMERALD HILLS,  
8 Defendant, Case Number 34-2009-00063714, came on regularly  
9 this day before Honorable JUDY HOLZER HERSHER, Judge of the  
10 Superior Court of California, for the County of Sacramento,  
11 Department 45.

12 The Plaintiffs, JOAN BOICE, by and through her  
13 Successor-in-Interest, ERIC BOICE, and ERIC BOICE, NANCEE  
14 BOICE and MARK BOICE, were represented by LESLEY A.  
15 CLEMENT, Attorney at Law; VALERIE DAWSON, Attorney at Law  
16 (not present); ASHLEY BAIRD, Attorney at Law; and SEAN  
17 LAIRD, Attorney at Law.

18 The Plaintiffs, ERIC BOICE and MARK BOICE were  
19 present.

20 The Plaintiff, NANCEE BOICE, was not present.

21 The Defendant, EMERITUS CORPORATION dba EMERITUS AT  
22 EMERALD HILLS, was represented by BRYAN R. REID, Attorney  
23 at Law; RIMA BADAWIYA, Attorney at Law; and KIM M. WELLS,  
24 Attorney at Law.

25 Also present on behalf of the Defendant, EMERITUS  
26 CORPORATION dba EMERITUS AT EMERALD HILLS, was JANET E.  
27 McKINNON, Vice President of Legal Affairs; LISA HULSE, Vice  
28 President Quality & Risk Management; and HOLLY A. FORD,

1 Trial Consultant.

2 (The following proceedings were then had in open  
3 court, in the presence of the jury.)

4 THE COURT ATTENDANT: All rise.

5 Department 45 of the Sacramento Superior Court is  
6 now in session. The Honorable Judge Judy Hersher  
7 presiding.

8 You may be seated.

9 THE COURT: All right. Welcome back, everyone.

10 Before we get going, I would like to remind you of a  
11 couple of things we did talk about at the very beginning of  
12 this trial, your duties as jurors and your  
13 responsibilities.

14 While I know that many of you may have reactions to  
15 some of the testimonies or some of the questions as it's  
16 ongoing, it is very, very important that you keep an open  
17 mind and remain impartial until you hear all of the  
18 evidence in this case.

19 In addition, I think it would be also appreciated  
20 and it would be the right thing to do not to react audibly,  
21 if you can, not to be making any comments audibly in  
22 response to any questions or any responses that any witness  
23 may give or any attorney may state during the course of the  
24 trial.

25 I want to remind you that you are all impartial  
26 jurors of the facts in this case. And in order to remain  
27 an impartial juror, you must keep an open mind as we go  
28 through the proceedings. All right?

1           So with that, may we proceed, please.

2           MS. CLEMENT: Thank you, your Honor.

3                           TESTIMONY OF

4   DANIELLE WOODLEE, a witness called pursuant to 776 of the  
5   Evidence Code by the Plaintiffs:

6                           CROSS-EXAMINATION (resumed)

7   BY LESLEY A. CLEMENT, Attorney at Law, Counsel on behalf of  
8   the Plaintiffs:

9   Q.       Can you describe for us other complaints that you  
10   heard working as the concierge at Emerald Hills from family  
11   members.

12           MR. REID: I'm going to object that it's overbroad  
13   and it may be 352.

14           THE COURT: Sustained.

15   Q.       (By MS. CLEMENT) Can you describe -- were there --  
16   well, can you describe complaints that you had at  
17   Emerald Hills, from the time that you first started working  
18   there through the end of Mrs. Boice stay, regarding food  
19   issues.

20   A.       There were many complaints of food issues by  
21   residents, employees, family members, that sometimes it  
22   wasn't enough or it was very, very bland, repetitive meals.

23   Q.       Were there any other complaints that related to food  
24   service?

25   A.       Um, the largest complaint that I was -- I received  
26   by parents and residents was the wait time for the  
27   residents themselves to come down to the dining room for  
28   any meal. They would have to start getting residents



1 ready, whether that was simply helping them get dressed to  
2 possibly residents that requested bathing or showers in the  
3 morning, some residents that simply needed just redirection  
4 to be brought down for meals. So we would have multiple  
5 residents that would need to be dressed, bathed, or  
6 redirected to the dining room. So residents would start  
7 being brought down to breakfast an hour before breakfast  
8 was ever going to be served. And then they would have to  
9 wait for the resident assistants to escort them back.  
10 Sometimes they would also be waiting there an hour after  
11 the meal was done. And the residents that did not want to  
12 come down for the meal would also be waiting for their  
13 meals to be brought to them by those same residents --  
14 resident assistants that were assisting those residents  
15 that did choose to come down for the meals.

16 MS. CLEMENT: Erik, could you put up Exhibit 240,  
17 the lobby photo with Ms. Woodlee's desk.

18 Q. (By MS. CLEMENT) Now, you pointed out to us,  
19 there's a computer on the desk there just to -- would it be  
20 your right?

21 A. Yes.

22 Q. Okay. And what was on that computer?

23 A. That computer screen was the sole purpose of the  
24 resident alert call button. So if a resident would push  
25 the call button for any reason, their name and their room  
26 number and the time they pushed that, their pager call  
27 button would show up on that computer screen.

28 Q. And when they got assistance, would someone turn off

1 the call button?

2 A. When the resident assistant -- when the RA would go  
3 to that room and assist that resident, they would have to  
4 simultaneously push their alert as well as the resident's  
5 to clear that call from the screen.

6 Q. Was part of your responsibility to monitor the  
7 pendant lights or call alerts from the residents?

8 A. Yes.

9 Q. And during that same time period we're talking  
10 about, the first -- from the merger, let's just say from  
11 the merger with Summerville through the end of December of  
12 2008, when Mrs. Boice was there, can you describe for us  
13 what you saw in terms of how long it was taking the  
14 resident assistants to answer the call lights.

15 A. Um, it would take anywhere from five minutes to over  
16 two hours.

17 Q. And would you try to intervene?

18 A. I would. I would have -- I was stationed a radio at  
19 my front desk to where, if I saw a resident maybe push  
20 their button multiple times, five times in a row, it would  
21 show up five times in a row, I would radio to an RA,  
22 letting them know, *Hey, this might be an emergency. I*  
23 *wanted to let you guys know it's showing up multiple times.*  
24 *Or I would also alert saying, I have a pager that has been*  
25 *going off for over an hour and it's still not cleared off*  
26 *my screen. Sometimes I would have to call RA cell phones*  
27 *because we didn't have enough radios in the building for*  
28 *all the staff.*

1 Q. Was that a problem, calling the resident assistants  
2 or caregivers on their cell phones?

3 A. Yeah. You're not supposed to have your cell phone  
4 at work.

5 Q. What to your understanding would happen if the  
6 resident assistants used their cell phones at work for you  
7 to answer -- answer calls you were making to them?

8 A. If they got caught, they would get a verbal warning.

9 Q. On this issue of the radios not working, was there a  
10 problem in certain parts of the building that the radios  
11 weren't working, or was it a problem with the radios  
12 themselves, the walkie-talkies themselves?

13 A. It was the radios themselves. The radios reached  
14 all over the entire building, but there were radios to  
15 where you could possibly hear someone on your radio but  
16 when you went to respond to that RA, they would not be able  
17 to hear you. So there are times when myself, management  
18 staff, or RAs didn't even know that we weren't  
19 communicating with people because they weren't fully  
20 functioning.

21 Q. Would this be raised in the staffing meetings or  
22 stand-up meetings, the problems with the radios?

23 A. Consistently.

24 Q. And what was the response?

25 A. There -- we didn't have the money. They're too  
26 expensive.

27 Q. Did the staff ever try to do anything to raise money  
28 for the walkie-talkie radios?

1 A. There were multiple attempts brought up in staff  
2 meetings to possibly see if we could do some type of fund  
3 raising. And it was just strictly staff. We didn't want  
4 to involve the residents. But we wanted to try to see if  
5 we could get some money to get some radios. Staff members  
6 had offered to purchase their own personal radios that they  
7 could take home and to see if they would work with the  
8 building, and it was always denied.

9 Q. Did you ever attend stand-up meetings with vice  
10 presidents, people that were from corporate or people who  
11 were from the divisional or regional level?

12 A. Any time regional would come in, or above, they  
13 usually were always there early enough to be involved in  
14 stand-up meetings, yes.

15 Q. And did you participate in those stand-up meetings?

16 A. Yes, I did.

17 Q. And during this time frame, in 2008, what did you  
18 experience in terms of training or teaching that you got  
19 from the regionals or vice presidents during these stand-up  
20 meetings?

21 A. Um, in general, the stand-up meetings would involve  
22 like the sales. New sales ideas, new marketing ideas,  
23 maybe new campaigns we were doing. At one point we were  
24 doing like a spaghetti feed and they were trying to get all  
25 the other buildings to do it. Other times, it was  
26 specifically -- possibly how to redirect family members  
27 positively to management, how to not necessarily have it  
28 come across that you're avoiding a subject or avoiding

1     answering a family and redirecting them to management.

2     Q.     Did you ever work weekends?

3     A.     Yes.

4     Q.     And why were you asked to work weekends?

5     A.     We were open seven days a week and usually they  
6     would have one manager on the weekend, which was the  
7     weekend MOD, which was manager on duty. So they would  
8     always make sure they had a concierge there as well as one  
9     manager, for the most part.

10    Q.     Okay. Did you ever have complaints to anyone  
11    outside the facility about your concerns?

12           Now, I know you've told us that you -- was there  
13    ever any times where you raised complaints, that you have  
14    told us about, with anyone above Nancy, or Peggy, or Rich,  
15    or any of the other supervisors you had?

16    A.     Yeah. At our building we had a poster and it had  
17    two -- I'm not sure if it was on the same poster, but we  
18    had posters that had the Ethics Hotline which was provided  
19    by Emeritus. I don't necessarily believe it was through  
20    Emeritus, but it was a number that Emeritus provided. And  
21    then there was another 1-800 number that was for the State.  
22    I believe it was the ombudsman, but I'm not a hundred  
23    percent sure. But I do know it was another ethics-type  
24    line that was for the State, I believe.

25    Q.     And did you ever use the Ethics Hotline?

26    A.     Yes.

27    Q.     And what did you use the Ethics Hotline for?

28    A.     Multiple things. Um, personal harassment issues.

1 Short staffing. Concerns about care. Concerns about other  
2 staff members being harassed. Residents I felt that  
3 shouldn't be in our building. I used it for anything that  
4 I felt I couldn't go to my management staff for.

5 Q. And did -- eventually did you get a meeting  
6 scheduled as a result of your Ethics First Hotline calls?

7 A. Yes.

8 Q. And who met with you?

9 A. Um, I originally met with Catherine Ratelle and  
10 Audrey Withers initially. And it was one that wasn't  
11 scheduled. They happened to be in the building and pulled  
12 me aside and asked to meet with me. And then it was  
13 followed up by Nancy Cordova and Audrey Withers.

14 Q. All right. Let's start with the first one.

15 MS. CLEMENT: And if we could look at Exhibit Number  
16 282, your Honor.

17 Q. (By MS. CLEMENT) And if you'd pull that binder  
18 right behind you. It's opened up already. That binder is  
19 about to fall apart, so we're going to need to have to  
20 replace it.

21 (Joint Exhibit Number 282 was marked for  
22 identification.)

23 Q. (By MS. CLEMENT) Miss Withers (sic) --

24 MS. CLEMENT: Oh, I'll wait until the judge has it.

25 THE COURT: I'm okay. Go ahead.

26 MS. CLEMENT: Okay.

27 Q. (By MS. CLEMENT) Miss Withers (sic), is this  
28 e-mail, dated July 24th, 2008 --

1 A. Yes.

2 Q. -- one that you sent to Audrey Withers?

3 A. Yes, it is.

4 Q. And did Miss Withers reply to you on this same  
5 document, on Friday, July 25th?

6 A. Yes, she did.

7 Q. And that's all 2008?

8 A. Correct.

9 MS. CLEMENT: At this time, your Honor, plaintiffs  
10 would seek to move into evidence Exhibit 282.

11 MR. REID: No objection, your Honor.

12 THE COURT: It's admitted.

13 **(Joint Exhibit Number 282 was received into**  
14 **evidence.)**

15 MS. CLEMENT: Erik.

16 Q. (By MS. CLEMENT) Okay. Danielle, it's kind of cut  
17 off at the top, though. But is this the e-mail you wrote  
18 to Audrey on July 24th, at 1:15 p.m.?

19 A. Yes, it is.

20 Q. And did you start, "Hi Audrey"?

21 A. I did. It starts with, "Hi Audrey."

22 Q. Okay. And tell us about -- what were you trying to  
23 do with this e-mail to Audrey Withers?

24 Well, back it up. Who did you know -- who did you  
25 understand Audrey Withers to be?

26 A. I understood her to be like the HR person for the  
27 region, was my understanding.

28 Q. Okay. And who did you understand Catherine Ratelle

1 to be?

2 A. My understanding was Catherine Ratelle was the  
3 vice president of, I believe, the region.

4 Q. Okay. So did you understand she was the  
5 vice president of all of California?

6 A. Yes. That was my understanding.

7 Q. Okay. And Audrey, you understood her to be the HR  
8 person from corporate for the -- for California?

9 A. Right. Yes.

10 Q. Okay. So tell us, what was your purpose in writing  
11 to Audrey Withers?

12 A. Um, I wrote this e-mail after I had met with her and  
13 Catherine Ratelle when they came and visited Emerald Hills.  
14 And I had -- they had pulled me aside because they had  
15 received the reports from the Ethics Hotline and they  
16 wanted to speak with me personally. And it was about many  
17 complaints that I had made. It was about complaints about  
18 staffing, complaints about lack of supplies for the  
19 resident assistants and the residents themselves. It was  
20 how I felt management was pushing family aside. It was  
21 about me feeling like I was being harassed after returning  
22 from maternity leave. And many times management was trying  
23 to suspend me for stuff that I felt was against the law and  
24 I voiced that.

25 Q. Okay. This e-mail is dated Thursday, the 24th.

26 When after this e-mail did you -- did you meet? Did  
27 you meet before this e-mail, after this e-mail? When did  
28 you meet with Catherine and Audrey?



1 A. Catherine and Audrey, I spoke with before this  
2 e-mail. After this e-mail is when I spoke with -- had the  
3 meeting with Audrey and Nancy.

4 Q. Okay. And at the meeting with Catherine Ratelle and  
5 Audrey Withers, what were the biggest concerns that you  
6 voiced to them that related to resident care issues?

7 A. I voiced that I felt we were understaffed for the  
8 residents. They explained to me that we can't have a full  
9 staff without a full building.

10 I voiced my concern and my, I guess, lack of  
11 understanding of just because we're not full, these  
12 residents have levels of care, and the higher level, I felt  
13 that we should have more staff. I voiced that we have lack  
14 of radios and we have pagers that didn't work for the  
15 staff. So when residents are pushing their call buttons,  
16 some of the RAs aren't even knowing that it's going off.

17 I was voicing how I felt that the management was  
18 completely ignoring a lot of the concerns that we kept  
19 bringing up in stand-up meetings. I just -- I tried to  
20 bring up everything that people had spoken to me about and  
21 how I personally felt, having been working there for  
22 so long.

23 Q. And what was your takeaway from the meeting with  
24 Catherine Ratelle?

25 A. With -- meeting with Catherine and Audrey, they --  
26 their demeanor was very compassionate, but their verbal  
27 responses were, *We completely understand how you feel.*  
28 *But, unfortunately, you don't know how much staffing costs.*

1     *You don't know how much supplies cost. You -- you know,*  
2     *you see what you see, but you don't necessarily understand*  
3     *what the budgets are. You don't understand how much money*  
4     *it takes to, you know, run a building. And I -- I*  
5     *responded with, But I know how much these residents pay.*

6     Q.     After this meeting that you had with Catherine and  
7     Audrey Withers, you said you had a follow-up meeting with  
8     Audrey Withers and Nancy.

9     A.     Correct.

10    Q.     And what happened in that meeting?

11    A.     That meeting was more specifically towards the  
12    treatment I personally felt that I was receiving from  
13    management.

14    Q.     Okay. And that was about things where you felt that  
15    you were being -- well, tell us. What were those things  
16    about?

17    A.     I felt like I was directly being picked on. I -- a  
18    specific example was the day I came back from maternity  
19    leave, I was sitting at my concierge desk and I probably --  
20    it was right after stand-up meeting. Peggy came out from  
21    Nancy's office to my desk and told me that I needed to pack  
22    my stuff and I needed to go home because I was not dressed  
23    properly for dress code. And I asked her what the issue  
24    was, and she said that I needed to go home because I had  
25    chipped, black nail polish on. And I told her that she  
26    could have Nancy come out and instruct me to do this and  
27    provide me with the dress code.

28    Q.     And what happened?

1 A. They -- there was no -- there was nothing in the  
2 dress code.

3 Q. After you had this meeting with Audrey Withers and  
4 Catherine Ratelle, expressing your concerns about  
5 understaffing and supplies and the level of care of the  
6 residents, did you see any changes being made at  
7 Emerald Hills that addressed the concerns you had?

8 A. None.

9 Q. Did you ever have any concerns about activities for  
10 the residents?

11 A. Um, not on the assisted living side. The assisted  
12 living side had a fully employed activities director,  
13 Gayle. The memory care didn't. Gayle did attempt to do as  
14 much as she could over there, but her obligation was to --  
15 to the assisted living side for all those residents.

16 Q. How frequently did you see Gayle actually going into  
17 the Memory Care Unit to do activities while you were  
18 sitting there at your desk?

19 A. She tried to go in there at least once a week. She  
20 tried very hard to go in there once a week. And sometimes  
21 Placer School for Adults would come in, and they had  
22 someone that came in and helped on the assisted living side  
23 as well. And sometimes that would be when Gayle would have  
24 time to go over to the Memory Care Unit side.

25 Q. Did you go in the Memory Care Unit every day?

26 A. Yes.

27 Q. And what was the purpose of you going in the Memory  
28 Care Unit?

1 A. Um, probably 80 percent of the reason I would go in  
2 the Memory Care Unit was for tours. The other percent was  
3 if resident assistants need help, or if a resident  
4 themselves got out of the Memory Care Unit.

5 Q. And what do you mean if a resident got out of the  
6 Memory Care Unit?

7 A. For example, for lunch, the resident assistant in  
8 the Memory Care Unit would exit out the two doors to go to  
9 the dining room to get the meals for the residents, and we  
10 had some residents that liked to follow them out. And the  
11 doors do not automatically lock as soon as they shut. So  
12 they were able to follow and get out and they would have to  
13 pass my desk. And so I would -- I would try to redirect  
14 them back into the Memory Care Unit as best as I could, but  
15 sometimes -- you can only do so much with an adult that  
16 doesn't want to do something. So sometimes I had to go in  
17 and hang out with them until the RA returned.

18 Q. Did you have any concerns specific to the Memory  
19 Care Unit during that time period of 2008?

20 A. Yes.

21 Q. And what were those concerns?

22 A. I was concerned that the -- the memory care director  
23 was never in there. I was concerned and I didn't  
24 understand why we didn't have more staff in there because  
25 they needed more care. From my understanding and my  
26 training, those were the residents that needed more  
27 attention. Um, they never seemed to have any sort of  
28 stimulating interactions/activities ever going on in there,

1 unless we possibly knew there was a tour, then we would try  
2 to schedule something.

3 Q. While touring --

4 THE COURT: Can we have the lights, please.

5 MS. CLEMENT: Oh, yes. Sorry about that. Sometimes  
6 I forget about that.

7 Thanks, Judge.

8 Q. (By MS. CLEMENT) While touring potential residents  
9 and their families through the Memory Care Unit, did you  
10 ever experiences in there that caused you concern?

11 A. Um, I had residents that -- I don't want to say all  
12 of them, but many of the residents that were in the Memory  
13 Care Unit weren't -- you know, they weren't able to control  
14 their -- their continuity -- their, you know, bowel  
15 movements or having to go to the bathroom. So many times,  
16 I would be giving tours and at the very end of the hallway  
17 a resident had gone to the bathroom. And a resident had  
18 possibly decided to make pictures with their bowel  
19 movements on the walls. We would have residents alone in  
20 the dining room. There was many things.

21 Q. Now, I want to talk specifically about Joan Boice.  
22 Okay?

23 A. Okay.

24 Q. Do you remember Joan?

25 A. I do.

26 Q. Do you remember her family?

27 A. Yes.

28 Q. What do you -- were you there the day that Joan

1 Boice moved in?

2 A. Yes.

3 Q. And what do you remember about that day with Joan  
4 Boice and her family?

5 A. I remember Myron was really excited because I think  
6 he kind of felt that he found this place for her and that  
7 they were going to be able to be together. And I remember  
8 Eric and his wife being excited. I remember their kids  
9 coming in and talking -- I remember talking with his boys  
10 because they played football. My brothers played football.  
11 So it was really -- it was nice. They're a really, really  
12 nice family.

13 Q. And do you remember anything about Peggy's  
14 interaction with the family on that day?

15 A. On that day?

16 Q. Yes.

17 A. I don't believe -- to be honest, no. I remember  
18 Melissa and myself interacting with them. I believe we set  
19 them up -- I believe that day we set them up in the private  
20 dining room, or sometime that first week that they moved  
21 in. But I don't remember much more than short paperwork  
22 signing as the involvement. And I believe that might have  
23 been even Nancy Cordova, not Peggy.

24 Q. Do you -- can you tell us who Melissa was that you  
25 described.

26 A. Melissa Gratiot. She was the community relations  
27 director. She was the marketing director at that time.

28 Q. Do you remember how Joan arrived at the facility?

1 A. I do. Yes.

2 Q. And what was she -- how did she get -- how did she  
3 get around?

4 A. She had her -- her little walk with her walker, with  
5 Myron always right by her side.

6 Q. Do you remember Joan leaving the facility?

7 A. I do.

8 Q. And can you describe how Joan looked that day.

9 A. Sorry. Um, it was almost like a movie. I mean, the  
10 decline, it was just horrible. I remember having a  
11 conversation when she moved in and -- I mean, I don't even  
12 remember having lucid conversations with her towards the  
13 end.

14 Q. Did you see Myron when you worked at the facility?

15 A. Yes. I saw him daily.

16 Q. And what would you see Myron doing?

17 A. Um, he was always -- he was always coming down. He  
18 liked to run his errands and he liked to go for walks. And  
19 then he would always, always visit with his wife. He would  
20 always go to the memory care door or he would knock on the  
21 med room to -- so he could go visit her. And usually,  
22 about 90 percent of the time, they would bring her out into  
23 the living room area so they could visit.

24 Q. Did you have an understanding as to why Myron was  
25 visiting with his wife Joan out in the living room area?

26 A. Oh, it was embarrassing. It was -- myself and the  
27 resident assistants didn't want him in there. It smelled  
28 90 percent of the time. Because, I mean, unfortunately,

1 the residents couldn't control what they were doing. It  
2 wasn't their fault. But, you know, it was a more pleasant  
3 experience. It was more wide open spaces on the assisted  
4 living side in the first floor living room than it would be  
5 in the Memory Care Unit.

6 Q. Eric and his wife Kathleen, do you remember them  
7 visiting?

8 A. Yes.

9 Q. And how frequently would you see Eric and Kathleen  
10 on the days that you worked?

11 A. Oh, I would -- I would at least see them twice a  
12 week. Maybe not always together, but someone was always --  
13 they were always there. Eric usually came in on Saturdays.  
14 And I only remember that because it's usually around --  
15 peewee football was on Saturdays, and so I would always  
16 talk with him about that.

17 Q. Do you remember any concerns that Eric or his wife  
18 Kathleen voiced to you?

19 A. Um, they -- they always -- they had concerns about  
20 staffing in the Memory Care Unit. They had concerns that  
21 they were never getting to meet with management. They felt  
22 that they weren't getting proper reports to them. They  
23 were concerned about the medications, and the reordering of  
24 medications. There was a lot of confusion there about  
25 maybe how it was being done, how it was supposed to be  
26 being done, possibly their involvement. Um, another  
27 concern that had come up was when a resident leaves via  
28 ambulance from our facility, if someone goes with them and



1 how they return to our facility.

2 Q. And what was your understanding of what that concern  
3 was about --

4 A. Um --

5 Q. -- if any?

6 A. Well, the concern was if -- if a resident goes out,  
7 does someone go with them. Especially if that person or  
8 resident is in the Memory Care Unit. Does someone  
9 accompany them? Do they go alone? And then once they're  
10 done being seen in the emergency room, how do they come  
11 back to our facility?

12 I explained that we are not allowed to go with them,  
13 and our facility is not responsible for picking them up  
14 from the hospital.

15 Q. Do you remember a meeting that occurred in  
16 mid-November of 2008, say, a few weeks before Joan left the  
17 facility, a couple weeks or so, with Peggy and Nancy and  
18 Kathleen and Eric and Melissa Gratiot?

19 A. I do. Yes.

20 Q. Can you tell us what you remember about that  
21 meeting.

22 A. I remember that we discussed it in stand-up. Um, it  
23 was very shortly discussed. They discussed that the family  
24 was going to be meeting with Nancy and Peggy, and that  
25 Melissa had been requested to be in the meeting as well.  
26 And --

27 Q. By whom?

28 A. -- it was about the level of care. And so the

1 family came in. They came in. I believe they met with  
2 Myron. They went into the meeting. They were in there a  
3 fair amount of time. Then Eric and Kathleen left. And  
4 then Peggy and Nancy and Melissa stayed in the office. And  
5 at one point I had to open the door and address them,  
6 because there was arguing and yelling going on and I had to  
7 let them know that the residents could hear them.

8 Q. To your understanding, who had requested that  
9 Melissa attend the meeting with Peggy and Nancy?

10 MR. REID: It lacks foundation, your Honor.

11 THE COURT: It was to her understanding. She may or  
12 may not know.

13 Do you know who requested the meeting?

14 THE WITNESS: Yes, I do.

15 THE COURT: Please proceed.

16 Q. (By MS. CLEMENT) Who, to your understanding,  
17 requested that Melissa Gratiot, the sales and marketing  
18 person, attend the meeting with Eric and Kathleen Boice?

19 A. Eric and Kathleen requested her to be there because  
20 she had been the one management person that they were  
21 consistently able to speak with.

22 Q. At that stand-up meeting regarding Joan Boice, the  
23 day of the meeting, was there any discussion in that  
24 meeting about recommending hospice for Joan Boice?

25 A. It was -- it was brought up. Yes.

26 Q. And was that something unusual, that when there were  
27 family complaints about care that hospice would be raised?

28 A. If it -- it seemed that if a resident was getting

1 too high a level of care or that the family was voicing  
2 more and more concerns that we would acknowledge hospice to  
3 them. So we would bring it up and we would let them know  
4 that that was an option.

5 Q. Did anyone ever bring up short-staffing issues in  
6 the stand-up meetings?

7 A. Yes.

8 Q. Who?

9 A. Um, Gayle, Melissa, Chris, myself. Almost -- it was  
10 almost brought up weekly at least, short-staffing. They  
11 would go over the schedules, how they would change the  
12 schedules. You know, normal schedules are -- you know, we  
13 work five days; you have two days off. Then they went from  
14 four on, two off; four on, two off. Then they extended  
15 lunches. So scheduling and staffing were consistently  
16 discussed.

17 Q. What do you mean when you say, "they extended  
18 lunches"?

19 A. There is -- there is at one point when we went from  
20 30-minute lunches to hour-long lunches, the RAs and  
21 med techs did.

22 Q. So what does that mean? That the company paid them  
23 to take a 60-minute lunch break?

24 A. No, it was -- it was off the clock. They would come  
25 in for their shift. And instead of taking a 30-minute  
26 lunch, they would take an hour.

27 MS. CLEMENT: Erik, could you put up --

28 THE COURT REPORTER: I can't hear you, Counsel.

1 MS. CLEMENT: I asked Erik if he'd put up Exhibit 9,  
2 please.

3 Q. (By MS. CLEMENT) When you -- would you go clock in  
4 at the -- in the room that you showed us across from the  
5 med tech room?

6 A. The clock-in room?

7 Q. Yes.

8 A. Yeah. Everyone used the same room.

9 Q. Is that where the staffing schedules were displayed?

10 A. Yes.

11 Q. And were you familiar with the staffing schedules  
12 for assisted living and memory care?

13 A. Yeah. I saw them every day.

14 MS. CLEMENT: Okay. And, Erik, can you go to the  
15 next page, please. That's the one we're interested in.

16 And just crop up the top so we can see that first,  
17 see what it is.

18 Okay. So that was the November 2008 staffing  
19 schedule.

20 And then, Erik, could you take us down to the  
21 bottom.

22 Q. (By MS. CLEMENT) Woo-hoo. Thirty-minute lunch  
23 breaks are back. Or thirty-minute lunches are back.

24 How long was that practice in place to your  
25 understanding, that the resident assistants and caregivers  
26 had to come to work, clock on, and then take a 60-minute  
27 lunch break off the clock?

28 A. It was about a month-and-a-half to two months.

1 Q. Were you told by your supervisors as to why Emeritus  
2 was making the employees clock out for a 60-minute lunch  
3 break?

4 A. Oh, we had to cut back on --

5 MR. REID: That's nonresponsive, your Honor.

6 THE COURT: "Were you told..." That was the  
7 question.

8 MR. REID: Right. It was a "yes" or "no" question,  
9 I think.

10 Q. (By MS. CLEMENT) Were you told why -- by your  
11 supervisors -- why Emeritus was making the employees clock  
12 out for 60 minutes for their lunches?

13 A. Yes.

14 Q. And what were you told?

15 A. I was told that we needed to cut back on staffing  
16 hours, resident assistant and med tech hours; that a lot of  
17 people were accruing too much overtime. So the hour  
18 lunches were to give a doorway to any resident assistant  
19 that possibly had to stay longer because they were caring  
20 for a resident. And along with those 60-minute lunches,  
21 the schedule was also changed to four on, two off. So  
22 instead of having, in a two-week pay period, ten days of  
23 work, they would have nine.

24 Q. In gathering the records for potential residents,  
25 did you -- was it your responsibility to review those and  
26 put them into file folders?

27 MS. BAIRD: (Sneezing.)

28 MS. CLEMENT: Bless you.

1 THE WITNESS: Yes, I was.

2 MS. BAIRD: Excuse me.

3 Q. (By MS. CLEMENT) And in the course of that job  
4 responsibility, did you have concerns about the 602s, the  
5 physician's reports that were being used by Emeritus to  
6 admit residents?

7 A. Yes.

8 Q. And what were your concerns?

9 A. My concerns were when we would allow residents that  
10 came to us with the initial diagnosis of Alzheimer's and  
11 dementia that we were changing it to mild cognitive  
12 impairment and allowing them to live on the assisted living  
13 side.

14 Q. Did you have any other concerns with regard to the  
15 602s, besides having the diagnosis changed from dementia to  
16 mild cognitive impairment?

17 A. I had concerns and confusion about some of them  
18 being fairly old and not updated. And sometimes some of  
19 them weren't filled out. Many times we wouldn't even have  
20 them yet when the residents would move in.

21 Q. When you say "fairly old," can you tell the jurors  
22 what you mean by that.

23 A. Anything possibly older than six months. Even older  
24 than a year, two years.

25 Q. Oh, I saw in that picture that on your desk there  
26 were a bunch of business cards.

27 Whose business cards were on the desk?

28 A. Management and regional.

1 Q. Did you have any concerns during the time period  
2 that we are talking about, from the merger through the end  
3 of Mrs. Boice's stay, December of 2008, that residents on  
4 the assisted living side had very high care needs?

5 A. Yes.

6 MR. REID: I think she asked that question.

7 THE COURT: I think you have.

8 Q. (By MS. CLEMENT) Can you tell us, without referring  
9 to anyone by name, an example of a concern that you had  
10 that shows that there were people on that assisted living  
11 side that had very high care needs?

12 MR. REID: It's overbroad.

13 MS. CLEMENT: In that time period.

14 MR. REID: 352. Relevance.

15 THE COURT: I think we've had -- it's time to move  
16 on. Granted as to 352.

17 Q. (By MS. CLEMENT) Oh, one last question.

18 Were you involved when family members requested  
19 their records?

20 A. Yes.

21 Q. And what happened when the families requested the  
22 copies of their loved one's records?

23 A. I would get the file and I would give it to Peggy or  
24 Nancy.

25 Q. What was your understanding of what would happen to  
26 the file after that?

27 A. They would review it.

28 Q. And after that?

1 A. I believe then, depending on if it was going to  
2 leave the building, it would have to be sent to corporate  
3 or have approval.

4 MS. CLEMENT: Okay. Thank you.

5 I have no further questions --

6 THE COURT: Mr. Reid.

7 MS. CLEMENT: -- but Mr. Reid probably does.

8 THE WITNESS: Okay. Can I move this binder?

9 THE COURT: What?

10 THE WITNESS: Can I move this binder?

11 THE COURT: Yes.

12 Terrance, could you put --

13 Are you going to ask her to look at anything in the  
14 binder?

15 MR. REID: I was going to follow up on that 282.

16 Is that what you have in front of you?

17 THE WITNESS: Okay. I'll leave it. I just wanted  
18 to double-check.

19 MR. REID: All right. Thank you.

20 MR. REID: Good afternoon, ladies and gentlemen.

21 REDIRECT EXAMINATION

22 BY BRYAN R. REID, Attorney at Law, Counsel on behalf of the  
23 Defendant:

24 Q. Miss Woodlee, I'm Bryan Reid. I represent Emeritus.  
25 We've never met or spoke, right?

26 A. Correct.

27 Q. Okay. And have you had any conversations about your  
28 testimony with any of the lawyers related with Emeritus?



1 A. No.

2 Q. And have you ever given any statements or -- about  
3 your experiences at Emeritus to anyone affiliated with  
4 Emeritus as far as you know?

5 A. No.

6 Q. You -- I want to kind of work backwards a little  
7 bit. Okay?

8 A. Okay.

9 Q. You resigned from your position.  
10 Were you always the concierge when you worked at --

11 A. Yes.

12 Q. Okay. And you resigned that position in January of  
13 2010?

14 A. Um, I believe so. Yes.

15 Q. And at that time, who was the acting executive  
16 director?

17 A. The acting executive director was, I believe, Diana  
18 Engle.

19 Q. Okay. Do you have a recollection of what you  
20 communicated to Miss Engle and the management team at  
21 Emerald Hills when you offered your resignation?

22 A. Yes. I gave them a 30-day resignation. I let them  
23 know that I could not go through another executive director  
24 and any more management. And I felt that this wasn't a  
25 good place for me any more and I needed to leave.

26 Q. Okay. Do you have a recollection of communicating  
27 at the time of your resignation to Miss Engle and the  
28 management team that you considered the folks that you

1 worked with at Emerald Hills as family?

2 A. Absolutely.

3 Q. Okay. And do you remember communicating to  
4 Miss Engle and the management team at Emerald Hills that  
5 you felt like you were part of a team there at  
6 Emerald Hills?

7 MS. CLEMENT: Leading.

8 MR. REID: I'm going to ask for permission under  
9 767, your Honor, to move this along. I would ask for a  
10 little leeway for leading.

11 THE COURT: I'll give you a little leeway here.  
12 Although, I haven't seen anything yet that would indicate  
13 to me --

14 MR. REID: Okay.

15 THE COURT: -- that she's not forthcoming.

16 MR. REID: Okay. I understand.

17 Q. (By MR. REID) But it was -- you felt like you were  
18 part of a team, right?

19 A. Not with everybody.

20 Q. Well, who did you feel like you were part of a team  
21 at Emerald Hills when you left?

22 A. Are you asking me the staff?

23 Q. I don't know. If you say you felt like you were  
24 part of a team, who would you have been talking about?

25 A. I considered everybody that lived there like a  
26 grandparent to myself. And I considered most of the RAs,  
27 you know, family. I mean, they cared for these people like  
28 they were their own, at least they tried to with what they

1 were given. But I didn't feel that a lot of management was  
2 positive or family.

3 Q. Do you recall when you tendered your resignation  
4 communicating to Miss Engle and the management team that  
5 you -- you would love to return to Emerald Hills some day?

6 A. Yes.

7 Q. Okay. And do you recall communicating to Miss Engle  
8 and the management team that you felt like your heart was  
9 with Emerald Hills?

10 A. I felt my heart was with the residents.

11 Q. When you tendered your resignation, do you recall  
12 telling Miss Engle and the management team that you had  
13 encountered an opportunity that had come up that you  
14 couldn't pass up?

15 A. Yes.

16 Q. And what was that opportunity?

17 A. I had been offered another position at another  
18 assisted living facility.

19 Q. What position was that?

20 A. They were going to be training me and sending me to  
21 classes to then become the memory care -- like a lead  
22 memory care person.

23 Q. What community -- what facility was that?

24 A. It was Highgate.

25 Q. I'm sorry?

26 A. Highgate.

27 Q. And how long did you work at Highgate?

28 A. I was there for less than 90 days.

1 Q. What happened?

2 A. They were requesting that I start doing stuff before  
3 I was trained and licensed, and I refused because I knew it  
4 wasn't right.

5 Q. Now, when you -- you communicated that you felt like  
6 you had an opportunity you couldn't pass up.

7 Were you intending to communicate that you really  
8 didn't want to leave, but you felt like this was a great  
9 opportunity for you?

10 MS. CLEMENT: Leading, your Honor.

11 THE COURT: Sustained.

12 Q. (By MR. REID) In January of 2010, tell the -- tell  
13 us if you had any desire to stay at Emerald Hills.

14 A. I wanted to stay there because I'd been there for  
15 so long and I thought that I could still make a difference.  
16 But you can't do something as one person when you feel like  
17 no one else above you wants to help you.

18 Q. Were you -- were you ever a manager while at  
19 Emerald Hills?

20 A. No.

21 Q. How many times did you apply for a manager position  
22 at Emerald Hills?

23 A. I believe I applied two or three times for the  
24 marketing position.

25 Q. And what periods of time was it that you were  
26 applying to be the marketing person for Emerald Hills?

27 A. Um, I believe it was before Melissa Gratiot took the  
28 position, after Melissa Gratiot left. And I believe it was

1 one time prior to that, prior to me applying before Melissa  
2 Gratiot as well.

3 Q. And in terms of -- in relation to when you resigned  
4 from Emerald Hills, when was the last time that you recall  
5 applying for the position of marketing director?

6 A. Um, it was before Karen Jankowski started. And she  
7 was the last marketing director that was there when I left,  
8 I believe.

9 Q. Okay. You're going to have to help us with time  
10 frames, if you don't mind.

11 Would that be a month before you left, or six?  
12 Some -- can you give us an estimate?

13 A. Um, I want to say it was a couple months. Probably  
14 like around four. But I -- I'm not quite sure of the time  
15 frame.

16 Q. All right. So the first time you applied for the  
17 marketing director position was before Melissa.

18 A. Yes.

19 Q. And when did Melissa start in that position?

20 A. Melissa started in 2008.

21 Q. And the second time you applied for that position as  
22 the marketing person for Emerald Hills, when was that?

23 A. I believe it was after Melissa. So before -- I'm  
24 sorry. Before Melissa would have been the second time I  
25 applied for it. I'm sorry. Yes.

26 Q. That was probably my fault. I apologize.

27 A. Oh, it's okay.

28 Q. So -- so when was the first time that you applied

1 for the marketing position?

2 A. Um, it was, I believe -- Sheri Henry was there when  
3 I started. After Sheri Henry, we had a Christina Smith and  
4 a Danielle Stevenson. And I want to say it was around that  
5 time frame. I can't remember between what management staff  
6 it was.

7 Q. Okay. All right. So it sounds like the last time  
8 was sometime in late 2009, maybe mid-to late 2009.

9 A. Before Karen Jankowski.

10 Q. Okay. And the second time you applied for it was  
11 in -- sometime in 2008?

12 A. Yes, or before that.

13 Q. Okay. Maybe even 2007?

14 A. Yes.

15 Q. And then one time before that?

16 A. I believe there was a total of three.

17 Q. Okay. I'm going to move on --

18 A. Okay.

19 Q. -- because I'm confusing myself.

20 Now, were you told why you didn't get the position  
21 of marketing director?

22 A. Yes.

23 Q. What were you told?

24 A. I didn't have a degree.

25 Q. Did you feel like you were qualified for it?

26 A. I felt that if they felt I was able to train the new  
27 marketing director that I was able to possibly do the  
28 position. And they were allowing me to give tours alone by

1 myself. I felt that I was at least able to be considered.

2 Q. Okay. Did they consider you, do you know, or did  
3 they just not even give you a thought?

4 A. Um, they -- they always told me that I was great.  
5 They always felt very comfortable with me giving tours.  
6 And they said I didn't have a degree. And it wasn't  
7 something that I was allowed to do, and then I would bring  
8 up my confusion on it.

9 Q. Okay. Now, when -- help us understand. What time  
10 frame during the -- let's see, about two-and-a-half years  
11 that you worked at Emerald Hills, what was the time frame  
12 in which you were involved in giving tours to prospective  
13 families?

14 A. The two-and-a-half year time frame, or the almost  
15 four-year time frame?

16 Q. Oh, maybe I have my dates wrong. The four years,  
17 whatever that was.

18 A. Okay. I just want to make sure.

19 Q. Okay.

20 A. The day I started there, I started taking inquiry  
21 calls for potential residents themselves or from families,  
22 sometimes from *A Place for Mom*, which is a referral agency.  
23 Up until the day that I left, I was involved in it.

24 Q. Well, having applied for the community -- I'm sorry,  
25 the marketing position, is that also the community resource  
26 director?

27 A. It's community relations director.

28 Q. Relations.

1           The same thing, though, right?

2     A.       I would assume so.

3     Q.       Okay. When you were applying for that position,  
4     did you think you'd be good at it?

5     A.       Um, I thought I was going -- I thought I would be  
6     good at it. And I also thought that if they were allowing  
7     me to do the same duties as the marketing director that it  
8     couldn't hurt to apply. I mean, the worst thing they're  
9     going to do is tell you no.

10    Q.       All right. And was that -- was that a position --  
11    was that part of your job that you enjoyed was giving  
12    tours?

13    A.       Yes. I enjoyed all of it.

14    Q.       Why is that?

15    A.       I liked getting to meet people. I loved getting to  
16    hear the stories. I loved getting to deal with the  
17    families. I was raised by my grandparents, so it was  
18    something that, you know, was -- it was nice for me.

19    Q.       And the -- as the marketing director, if you'd  
20    gotten the role of marketing director or the CRD, you would  
21    have been the person primarily responsible for selling the  
22    building to the community, right?

23    A.       Absolutely.

24    Q.       I want to talk about some of the other -- well,  
25    first of all, help me understand. How many hours a week  
26    did you work there at Emerald Hills?

27    A.       Forty.

28    Q.       I'm sorry?



1 A. Forty.

2 Q. Okay. What was your ordinary schedule, if you had  
3 one?

4 A. It varied. Are you asking hours or days?

5 Q. Let's focus -- let's try to focus on the time frame  
6 that Joan Boice was there. Okay?

7 A. Okay.

8 Q. So the fall of 2008.

9 Can you recall for us what your -- what your  
10 schedule was at that point in time?

11 A. It would be 8:00 to 5:00 or 10:00 to 7:00.

12 Q. And what days of the week would you work?

13 A. I would either work Tuesday through Saturday or  
14 Sunday through Thursday. So I was always there one weekend  
15 day.

16 Q. All right. And how much, if you can estimate for  
17 us -- and we'll just focus on the fall of 2008.

18 How much of your time did you spend there at your  
19 desk as the concierge, greeting people coming in and out?

20 A. In the mornings, I was usually there. But then  
21 throughout the day, I would periodically be having to leave  
22 for many reasons. Or I would -- I may not be at my desk,  
23 but in the marketing office the door opens, so I could  
24 still see the lobby possibly going into the Memory Care  
25 Unit. So it would change from day to day.

26 Q. And let's say focusing on the fall of 2008, can you  
27 estimate for us how many -- how many tours a day or a week  
28 you would typically give?

1 A. On average -- me personally?

2 Q. Right.

3 A. Um, it would probably be anywhere from three to four  
4 a week possibly.

5 Q. Help us -- and do this briefly -- but help us  
6 understand what a tour involved. Where would you go?

7 A. It would depend. If we had a tour that would  
8 include the Memory Care Unit, we would obviously bring them  
9 through there. If they had nothing to do with the Memory  
10 Care Unit, we would tour the dining room; we would tour a  
11 model room that we had set up that was fully furnished and  
12 decorated; we would have a activities calendar that we  
13 provided that was printed out monthly. And a lot of the  
14 times we tried to get them to be scheduled for a lunch tour  
15 in the private dining room, where they could eat with us  
16 and usually another member of the staff would try to join.

17 Q. And how long would a typical tour take?

18 A. Um, a typical tour would be probably 30 minutes to  
19 an hour, an hour-and-a-half. It would depend on the  
20 family.

21 Q. I don't want you to take this the wrong way, but are  
22 you an honest person?

23 A. I believe myself to be.

24 Q. Okay. So when you -- when you gave these tours --

25 A. Mm-hmm.

26 Q. -- were you honest with the people that you were  
27 touring around Emerald Hills?

28 A. If they asked me questions, I answered them.

1 Q. And on your tours would you encourage the folks you  
2 were taking on the tours in the fall of 2008 to consider  
3 Emerald Hills as a place to have their loved one live?

4 MS. CLEMENT: Leading.

5 THE COURT: She can answer.

6 THE WITNESS: I would show them the -- what  
7 Emerald Hills had to offer, but I would encourage them to  
8 pick the facility that they felt was the best fit.

9 Q. (By MR. REID) Okay. Did you ever discourage anyone  
10 that you toured from Emerald Hills?

11 A. Yes.

12 Q. And was that you did not -- why would you do that?

13 A. Because I didn't feel that we could provide them  
14 with the right amount of care. So if someone wanted to  
15 move in and I felt that it was more of a skilled nursing  
16 type of person or their needs were too high, I would say,  
17 *You know what, maybe this isn't the right fit, but I would*  
18 *like you to speak with our management.* Because I knew that  
19 wasn't my call.

20 Q. Okay. So I want to understand then.

21 As you were meeting the folks that you were  
22 touring --

23 A. Mm-hmm.

24 Q. -- you were -- were you -- tell us what you would do  
25 to try to assess whether you thought this was somebody that  
26 would be appropriate for Emerald Hills versus someone that  
27 may not be.

28 A. Um, if the resident was there, I would try to at

1     least observe how they -- how they were, or how the family  
2     was. We didn't always know what the residents were, so we  
3     had many families where their family member was in the  
4     hospital and they know they couldn't go back home and they  
5     would come to Emerald Hills looking for stuff. And  
6     sometimes, you know, it would be that they're still  
7     connected to IVs, that they needed certain injections, or  
8     specific things. Then I would say, *You know, from what*  
9     *I've been told by my management, that might be something*  
10    *that we may not be able to do. You can always bring in*  
11    *outside help, but this is something that they're going to*  
12    *have to answer.* There were questions that I couldn't  
13    answer because I didn't necessarily know.

14    Q.     Okay. When Miss Clement was asking you questions,  
15    you mentioned that you had quite a bit of training while  
16    you worked at Emerald Hills.

17    A.     Mm-hmm.

18    Q.     Do you have that in mind?

19    A.     For sales and marketing, yes.

20    Q.     What other kinds of training did you have while you  
21    worked at Emerald Hills?

22    A.     CPR.

23    Q.     Anything else that you can remember?

24    A.     Not that I can remember.

25    Q.     When you started your employment at Emerald Hills --

26    A.     Mm-hmm.

27    Q.     -- were there any videos that you were asked to  
28    watch as part of your -- your introduction to the --

1 A. Yeah. We had videos that we watched when you first  
2 start in regards to, um, you know, Emeritus' policies, and  
3 I think there was some Workers' Compensation. I can't  
4 remember all of them. It was when I first started.

5 Q. Did you ever watch a video that talked about  
6 mandated reporting -- mandated reporters and elder abuse?

7 A. I believe that I did, yes. But I can't recall.

8 Q. As you sit here, do you know what a mandated  
9 reporter is or what the obligations of a mandated reporter  
10 are?

11 A. When you -- when you feel or you know that possibly  
12 the law is being broken that you should report it to  
13 your -- either upper management staff or authorities.

14 Q. You mentioned with Miss Clement there was a phone  
15 number for a state agency. And you mentioned the word  
16 "ombudsman."

17 Do you remember that?

18 A. Yes.

19 Q. Could you explain to the jury what an "ombudsman"  
20 is.

21 A. From my understanding, an ombudsman is somebody that  
22 comes in when a report may have been filed, that they come  
23 in and they have to check it out. That was my  
24 understanding of what an ombudsman does.

25 Q. Okay. Now, what was your understanding in terms of  
26 who the ombudsman was affiliated with? Is that an Emeritus  
27 person, or is that somebody else?

28 A. From my understanding, no. The ombudsman is a state

1 person, not an Emeritus person.

2 Q. And the entire time you worked at Emerald Hills --  
3 you had mentioned this poster that had an 800 number.

4 Do you recall that?

5 A. Multiple numbers, yeah.

6 Q. Okay. Was that -- was that displayed the whole time  
7 you worked there?

8 A. Not the whole time I worked there, no. There was a  
9 point in time when they bought frames and posters and they  
10 put it up in the hallway next to the residents' rooms. I  
11 believe where it was displayed was in the staff break room,  
12 not in the clock-in room.

13 Q. Was there ever a time that you called the ombudsman  
14 while you were working at Emerald Hills?

15 A. I don't know if that number was for the ombudsman,  
16 but I had called both those numbers before, yes.

17 Q. And the number -- well, let's talk about that  
18 because-- and I'm going to ask you a few more questions.

19 The Ethics First number that you called, did you --  
20 was there some reaction to that after you made those calls  
21 to the Ethics First Hotline?

22 A. To the community, or to myself?

23 Q. To you.

24 A. Yes.

25 Q. And that's that e-mail that we looked at, right?

26 A. That -- well, that's a result of some of it.

27 Q. Okay. So in the -- those years that you worked at  
28 Emerald Hills, you remember being -- receiving training on

1 marketing?

2 A. Mm-hmm.

3 Q. And the -- those videos you watched at the  
4 beginning, right?

5 A. (No audible response.)

6 Q. Correct?

7 A. Yes.

8 MS. CLEMENT: Asked and answered. Leading.

9 Q. (By MR. REID) And then --

10 THE COURT: They have been asked and answered.

11 MR. REID: All right.

12 Q. (By MR. REID) Is there any other training -- you  
13 have a pretty good memory here.

14 Any other training that you remember receiving while  
15 working at Emerald Hills?

16 A. I remember having CPR training. And I remember that  
17 they would go over policies or possibly other types of lift  
18 procedures in the staff meetings, but that wasn't -- I  
19 mean, that wasn't always the case nor -- possibly, I may  
20 not have considered it a training.

21 Q. Okay. Would you pull up Exhibit 32, please.

22 A. In the binder?

23 Q. The binder, yes.

24 A. Is it 332?

25 Q. No, just -- it will be Exhibit 32.

26 THE COURT: Terrance will get it for her.

27 MR. REID: Thank you.

28 THE WITNESS: That's probably why I wouldn't have

1 found it. Thank you.

2 THE COURT ATTENDANT: You're welcome.

3 Q. (By MR. REID) Okay. If you could turn to page 148.  
4 There's numbers at the bottom of the pages.

5 MR. REID: May I approach quickly, your Honor?

6 THE COURT: Yes.

7 THE WITNESS: 148?

8 Q. (By MR. REID) Yeah. Mm-hmm. See these numbers  
9 here?

10 A. Yeah.

11 Q. Thank you.

12 I'm not even going to put these up. I just want you  
13 to help -- make sure you help me identify your signature.  
14 Okay?

15 A. Okay.

16 Q. Is that -- is that an in-service document, a  
17 training document dated November 16th, 2007?

18 A. Yes.

19 Q. On hand washing?

20 A. Yes.

21 Q. Okay. And do you see your signature there?

22 A. I do.

23 Q. Could you turn to page 49.

24 A. Just 49, or 149?

25 Q. Just 49.

26 A. Okay. Sorry.

27 Q. I'm sorry. They don't flow very well.

28 Do you have that, page 49?



- 1 A. I do. Yes.
- 2 Q. Is that an in-service sign-in sheet for February
- 3 22nd, 2008?
- 4 A. For resident privacy and cell phone use?
- 5 Q. Right.
- 6 A. Yes.
- 7 Q. And did you sign in for that training?
- 8 A. I did, yes.
- 9 Q. Okay. Now, if you could turn to 52.
- 10 Is that a in-service sign-in sheet for March 14th,
- 11 2008?
- 12 A. Yes.
- 13 Q. And what is that for?
- 14 A. That is for fall safety. And I specifically
- 15 remember that one.
- 16 Q. Okay. And you signed in for that one then?
- 17 A. Yes.
- 18 Q. Okay. Now, if you could turn to 103.
- 19 Do you have that?
- 20 A. Yes.
- 21 Q. Is that an in-service sheet -- sign-in sheet, dated
- 22 August 1st, 2008?
- 23 A. Yes.
- 24 Q. And that's "Housekeeping Supplies Locations"?
- 25 A. Right. Where they kept the housekeeping supplies.
- 26 Q. And do you see your signature on that page?
- 27 A. Yes.
- 28 Q. Could you turn to 107.

1           Is that a sign-in sheet for an in-service on  
2           September 12th of 2008?

3           A.       Yes.

4           Q.       And it's for the subject of safety?

5           A.       Yes.

6           Q.       And did you sign in for that one?

7           A.       Yes.

8           Q.       Could you turn to page 120 of that exhibit.

9           Do you see that page? Is that a sign-in sheet --

10          A.       Yes.

11          Q.       -- for -- dated October 10, 2008?

12          A.       Yes.

13          Q.       And that's "CPR Results and Emeritus Standards  
14          Timekeeping"?

15          A.       Yes.

16          Q.       Did you sign in on that one?

17          A.       I did. Yes.

18          Q.       And then on page 138.

19          (Pause.)

20          THE WITNESS: Sorry.

21          Q.       (By MR. REID) That's okay.

22          A.       138, correct?

23          Q.       Yes.

24          A.       Okay.

25          Q.       Is that a sign-in sheet for an in-service of  
26          November 7th, 2008?

27          A.       No.

28          Q.       Oh. Is it a sign-in sheet?

1 A. It's not a sign-in sheet. No.

2 Q. All right. Then I have the wrong page. We won't  
3 worry about that one.

4 A. Okay.

5 Q. Thank you for your --

6 A. Oh, you're welcome.

7 Q. All right. So we were looking -- we looked for a  
8 little while -- and I'm not going to put it up -- but we  
9 looked for a little while at your job description. And I  
10 wanted to ask you -- and I'm not even going to bother  
11 putting it up here. But if you need to see it, it's  
12 Exhibit 15.

13 A. Okay.

14 Q. One of the -- one of the criteria is you must have  
15 the compassion for and desire to work with the elderly,  
16 enjoy working with people in general.

17 Is that you?

18 A. I hope it is. I believe so.

19 Q. Okay. Also on the job description it talks about  
20 assisting the activity director and promoting activities  
21 with the residents.

22 A. Mm-hmm.

23 Q. Was that something that you engaged in?

24 A. I didn't really do a lot of activities because Gayle  
25 usually did most of them. And she had people coming in  
26 from Placer School for Adults that assisted her as well.

27 Q. Okay. Well, what kind of activities, if any, do you  
28 remember observing taking place at Emerald Hills?

1 A. Bingo.

2 Q. And let's focus on fall of 2008.

3 MS. CLEMENT: Are we talking about in the Memory  
4 Care Unit or somewhere else, your Honor? It's vague.

5 Q. (By MR. REID) Okay. Let's talk about the assisted  
6 living side first.

7 A. Okay. They would have bingo twice a week. They  
8 would have a resident council once a month. They would --  
9 bingo and resident council were most of the activities that  
10 were done outside of the activity room that I could see.  
11 They would do outings. Maybe not necessarily they were  
12 considered activities, but she tried to turn them into  
13 activities. They would try to do lunches, possibly once a  
14 week or once a month, if they had enough people signed up.  
15 And she did a lot of arts and crafts, but that was usually  
16 in the activities room where I wasn't necessarily observing  
17 it.

18 Q. So the activities that you observed, were they in  
19 the dining room area, just on the other side of your wall,  
20 that wall you were by?

21 A. The dining -- how it would be set up is there's two  
22 openings into the dining area. Bingo would be done closer  
23 to the entrances into the -- the kitchen. And so I could  
24 see Gayle calling bingo and I could see some residents sat  
25 at tables. Resident council was actually right in front of  
26 me.

27 Q. In that -- let's call -- that room where you -- the  
28 bingo and --

1 A. The dining room?

2 Q. Yeah, the dining room. Was there -- I've heard  
3 something about --

4 MS. CLEMENT: Leading.

5 THE COURT: Rephrase.

6 MR. REID: All right. I will.

7 Q. (By MR. REID) What, if any, activities are you  
8 aware of that took place every evening around -- between  
9 4:00 and 6:00 p.m. in the dining room?

10 A. Every evening between 4:00 and 6:00 p.m.?

11 Q. Right.

12 A. I don't recall anything happening daily at the exact  
13 same time because we tried to change it up.

14 Q. I see.

15 Was -- was there an activity called "cocktail hour"  
16 or "happy hour" or something like that?

17 A. That was when Karen Jankowski worked there.

18 Q. All right. Now, that area the dining room area, was  
19 there an area -- was there a place where there was coffee  
20 and snacks available?

21 A. Yes.

22 Q. What was that area called, the coffee and snack  
23 area?

24 A. I mean, we didn't really call it anything. It was  
25 just a table that had coffee and tea and fruit and  
26 vegetables, and sometimes fresh baked cookies.

27 Q. And in your experience at Emerald Hills and even --

28 THE COURT REPORTER: I need you to repeat it.

1 MR. REID: Yeah. Sorry.

2 Q. (By MR. REID) In the fall of 2008, was that an area  
3 that you observed was regularly supplied with those snacks  
4 that you described?

5 A. It wasn't regularly supplied with them, no.

6 Q. How often was it supplied with them?

7 A. Um, they would -- they would try to supply it daily  
8 with fresh stuff, but sometimes they ran out.

9 Q. Now, the activities that you observed taking place  
10 in the dining area, did you ever see anyone that resided in  
11 memory care come out and participate in those activities?

12 A. Yes, some of them would. And they would have to be  
13 accompanied by an RA, if they had the staff available.  
14 Because they had to have someone with them.

15 Q. Okay. And now the activities in memory care in fall  
16 of 2008, what did you observe in that regard?

17 A. Are you asking if there were scheduled activities or  
18 periodic activities?

19 MS. CLEMENT: Vague.

20 (Laughter.)

21 MR. REID: I think she made the objection.

22 Q. (By MR. REID) What, if any, activities did you  
23 observe taking place in the memory care area in the fall of  
24 2008?

25 A. Um, they would have -- in the dining area they would  
26 have puzzles set up. Sometimes they would try to have some  
27 sort of like art projects going on. Um, sometimes the RAs  
28 would try to bring in like fingernail polish for the

1 resident assistants, possibly just try to do like a hair  
2 and makeup. They tried to do sing-a-longs. They --  
3 usually it was a couple residents in there at times.

4 Q. If you wouldn't mind, I'd like to ask you a couple  
5 questions about Exhibit 282.

6 THE WITNESS: Thank you.

7 THE COURT ATTENDANT: Oh, you're welcome.

8 MR. REID: With the Court's permission, would it be  
9 okay to display the -- page -- the first page of 282?

10 THE COURT: Yes.

11 Q. (By MR. REID) And I just want to focus on the  
12 e-mail on the bottom portion there.

13 Miss Clement asked you some questions about this. I  
14 just wanted to follow up. My -- and make sure I  
15 understand.

16 This e-mail, July 24, 2008, was after you met with  
17 Catherine Ratelle and Audrey Withers?

18 A. Yes.

19 Q. And it looks like you were asking for -- to have  
20 another meeting in the future with somebody.

21 A. They had discussed that they would come back and  
22 they would have -- initially, it was supposed to be a phone  
23 conference, but then they had decided that it would be  
24 better if they came down. Because they were going to be  
25 down in the area anyways. So it had changed from a phone  
26 conference to a face-to-face meeting.

27 Q. Gotcha.

28 Now, you said the manager -- you were asking that

1     there be a manager from Emerald Hills present at the  
2     meeting.

3     A.       Like a neutral party.

4     Q.       Okay. And you said, "The managers I would like  
5     would be Jessica Brown" -- and what was her role?

6     A.       She was the business office director.

7     Q.       "Or Gayle Jacobsen."

8     A.       The activities director.

9     Q.       "Those are the only people I have not had a problem  
10    with."

11            Right?

12    A.       Correct.

13    Q.       Okay. So the other managers that -- that apparently  
14    you had problems with, one was the executive director,  
15    Nancy Cordova?

16    A.       Yes.

17    Q.       And who were the other managers at the time of this  
18    e-mail that you had problems with?

19    A.       Um, Peggy Stevenson, I had felt that I had issues  
20    with, along with Alicia Gonzales.

21    Q.       Would that be Alicia Parga?

22    A.       Oh, I'm sorry. Yes. I'm sorry so. Yes.

23    Q.       Okay. Now, there were other managers. There's a  
24    dining room manager, right? Wasn't that a manager? Or  
25    dining services?

26    A.       Um, I honestly do not -- I can't recall who the  
27    dining services director was at that time.

28    Q.       Had you had a problem with the dining services



1 director?

2 A. Um, I -- I don't believe so. Not that I can recall.  
3 But I don't really -- I never really interacted with them,  
4 except for stand-up. They were always in the kitchen.

5 Q. And then there were other managers, too, other --  
6 well, Mr. Garibaldi was the maintenance --

7 A. Mm-hmm.

8 Q. He was a manager, wasn't he?

9 A. Mm-hmm.

10 Q. Yes?

11 A. Yes.

12 Q. Had you had problems with Mr. Garibaldi?

13 A. There were times when he would speak down to me. So  
14 I didn't -- I wanted someone that was neutral in that  
15 meeting.

16 Q. Were there -- was that all of the managers? Were  
17 there any other managers -- did housekeeping have a  
18 manager?

19 A. No. Chris Garibaldi was the head of housekeeping as  
20 well.

21 Q. All right. Is there any manager that I'm missing in  
22 the list as of 2008?

23 A. At the time frame of this e-mail, I don't believe  
24 so.

25 Q. Thank you.

26 Now, if you could go to -- now, I just want to -- as  
27 I understood your testimony, you felt -- you felt that  
28 they -- that Miss Ratelle and Miss Withers listened to you,

1 right?

2 A. Yes.

3 Q. But you weren't very satisfied with the responses  
4 they were giving you, correct?

5 A. Correct.

6 Q. Okay.

7 MR. REID: Can we look at the second page of the  
8 e-mail.

9 Q. (By MR. REID) Now, is this accurate? Did you --  
10 when you wrote this e-mail to Miss Withers after the  
11 meeting, you said: Thank you so much for everything you  
12 have done, exclamation mark.

13 A. Yes. I thanked them for taking the time out of  
14 their day to meet with me on something that they weren't  
15 scheduled to talk with me about.

16 Q. Okay. And then you said: Please tell Catherine,  
17 quote, thank you, unquote, for caring about me and my  
18 friends here that I work with.

19 Correct?

20 A. Yes.

21 Q. So did you feel like those two showed care --

22 A. When I interacted with them at that time, that  
23 conversation, I did feel that they genuinely cared and  
24 heard what had to say, until nothing came of it afterwards.

25 Q. Well, but that -- let me -- okay.

26 MR. REID: We can turn the lights on. Thank you.

27 Q. (By MR. REID) Maybe I misunderstood.

28 Didn't they tell you at the meeting there was --

1 MS. CLEMENT: Leading.

2 Q. (By MR. REID) What did they tell you they would be  
3 able to do to address your concerns at that meeting?

4 A. At that meeting, they said that they would  
5 personally have a meeting with Nancy and myself to try to  
6 resolve the way that I was feeling. And I appreciated that  
7 because that wasn't something that they had to do.

8 Q. Okay. So at the end of the meeting then --

9 A. They had --

10 Q. -- before this e-mail --

11 A. They had --

12 Q. -- what was your state of mind as to whether changes  
13 might be take taking place as a result of your complaints?

14 A. I felt that they had heard what I had to say. They  
15 didn't shut me down. They listened to everything that I  
16 said. And Audrey had said that she would come and --  
17 initially, it was supposed to be a phone conference between  
18 myself and Nancy about how I was feeling, and she was going  
19 to try to address it and try to at least better the  
20 situation.

21 Q. Okay. Now, similar but different subject.

22 A. Okay.

23 Q. You had testified about using the Ethics First  
24 Hotline numerous times.

25 A. Yes.

26 Q. And when you used the Ethics First Hotline, did you  
27 identify yourself?

28 A. Yes.

1 Q. And -- now, you were never -- was there ever a time  
2 you -- you were terminated as a result of calling Ethics  
3 First?

4 A. Terminated? No. I was never terminated.

5 Q. Tell me about what kind of punishments you received  
6 as a result of calling Ethics First.

7 A. I didn't receive punishments, but I would be called  
8 in the office and I would be talked to, coincidentally,  
9 about things that I had called about.

10 Q. Well, your calls were to address a concern.

11 A. Correct.

12 Q. And when you -- when you called Ethics First and  
13 articulated a concern, did you have some hope or  
14 expectation the concern would be addressed?

15 A. Yes.

16 Q. All right. Now, I want to focus on the -- do you  
17 remember the testimony, the questions that you were asked  
18 about the family meeting between Miss Cordova,  
19 Miss Stevenson and Miss Gratiot, and Eric and Kathleen  
20 Boice?

21 A. Yes.

22 Q. Do you recall the date of that -- that meeting?

23 A. Like the specific date?

24 Q. Right.

25 A. No.

26 Q. Okay. Could you open Exhibit 2, please.

27 MS. CLEMENT: Exceeds the scope, your Honor. I have  
28 a --

1 THE COURT: I don't know what is in what he's going  
2 to look at. So let's just wait one moment.

3 Could you get her Exhibit 2, please.

4 THE COURT ATTENDANT: Yes, ma'am.

5 (Pause.)

6 Q. (By MR. REID) Okay. Could you turn to page two --  
7 page 61 of Exhibit 2.

8 A. Would it be MC 61?

9 Q. Yeah. MC 61.

10 A. Okay.

11 MR. REID: Would it be okay if we put that up on the  
12 screen, your Honor?

13 MS. CLEMENT: Your Honor, I'd like to have a  
14 sidebar.

15 THE COURT: Come on up.

16 (Whereupon an unreported bench conference was then  
17 had in open court between the Court and counsel.)

18 Q. (By MR. REID) Okay. We don't need to look at it.  
19 But have you had a chance to look at that page?

20 A. Yes.

21 Q. Okay. And does that page refresh your memory about  
22 the timing of this meeting that took place?

23 A. Date timing?

24 Q. Right. The date.

25 A. The date? I remember it being in November.

26 Q. Okay. Let me -- if I could direct your attention to  
27 the first sentence. Just read that to yourself.

28 A. Okay.

1 Q. All right. "A meeting took place yesterday."

2 MS. CLEMENT: Objection; it's hearsay.

3 THE COURT: Well, the document's already in  
4 evidence. But my understanding was this was going to  
5 refresh her recollection. Just ask her a question about  
6 refreshing her recollection.

7 MR. REID: Okay. Yes.

8 Q. (By MR. REID) So do you see that sentence?

9 A. The first one?

10 Q. Yes.

11 A. Yes.

12 Q. Okay. Now, do you see the date of the e-mail?

13 A. Yes.

14 Q. Does that date of the e-mail refresh your  
15 recollection of the date that the family meeting took  
16 place?

17 A. Not specifically.

18 Q. Okay. Do you have any reason to believe that the  
19 meeting didn't take place on November 17th --

20 MS. CLEMENT: Objection; leading.

21 Q. (By MR. REID) -- 2008?

22 MS. CLEMENT: Leading.

23 THE COURT: It's not leading.

24 She can answer the question.

25 THE WITNESS: Can you repeat the question?

26 Q. (By MR. REID) Do you have any reason to believe  
27 that that family meeting did not take place on Monday,  
28 November 17th of 2008?

1 A. From the e-mail, no.

2 Q. Now, I would ask you please to pull Exhibit 220.

3 (Joint Exhibit Number 220 was marked for  
4 identification.)

5 THE WITNESS: Thank you.

6 THE COURT ATTENDANT: No problem.

7 Q. (By MR. REID) If you could turn to page 105 of that  
8 exhibit.

9 Do you have that in front of you?

10 A. Mm-hmm.

11 Q. And do you recognize that to be your -- the punch  
12 detail or your time card for the month of September -- or  
13 of November of 2008?

14 A. It's September.

15 Q. September. Okay.

16 A. It's not November.

17 Q. But it's your punch detail, time card, correct?

18 A. For the month of -- for the week of September.

19 Q. Okay. Could you turn to page 107, please.

20 Is that your time -- your punch detail time for  
21 November of -- of 2008?

22 A. Mm-hmm. Yes.

23 Q. Okay. And were you working on November 17th, 2008?

24 A. I had gone home sick.

25 Q. Now, when is the last time that you remember meeting  
26 anyone from the Boice family?

27 A. The last time I remember seeing them?

28 Q. Yeah. As of today.

1 A. As of today? I -- they came in after, um, their  
2 family had, um, moved out. And I believe -- I believe that  
3 I possibly had seen them one time afterwards at one of the  
4 football games. And that was, I believe, it.

5 Q. Okay. So in the year -- in this year 2012-2013, the  
6 only time you've seen Mr. Eric Boice is here in court?

7 A. Yes.

8 Q. Have you -- did you have an opportunity to meet with  
9 Mrs. -- Miss Clement before testifying here?

10 A. Yes.

11 Q. When was the first time you met with Miss Clement?

12 A. A week-and-a-half ago on Saturday.

13 Q. Where did you meet?

14 A. At her office.

15 Q. How long did you meet a week ago Saturday?

16 A. About two-and-a-half hours. Two-and-a-half, three  
17 hours.

18 Q. What did you do during that two-and-a-half to three  
19 hours?

20 A. Talked.

21 Q. Had you had any communication with anyone affiliated  
22 with her office before that?

23 A. With her office?

24 Q. Yes.

25 A. I had spoken with, I believe, Monica a couple times.  
26 Because they were trying to get ahold of me to come in and  
27 schedule time to meet with them.

28 Q. All right. And had you ever talked to an



1 investigator associated with Miss Clement's office?

2 A. Yes.

3 Q. When was that?

4 A. Um, it was on the phone a couple months prior. I'm  
5 not sure if it was associated with her office, but I know  
6 it was a private investigator.

7 Q. So during that two-and-a-half to three hours a week  
8 ago Saturday, were you -- were you shown video snippets of  
9 depositions of witnesses?

10 A. Yes.

11 Q. And how many -- how many deposition snippets were  
12 you shown?

13 A. Oh, I didn't count them.

14 Q. Was there a lot, or just a few?

15 A. Um, it wasn't a lot. It was just a couple.

16 Q. Who were they?

17 A. Um, one was Peggy. Nancy. Nanette Read. Um,  
18 Budgie. I think that's the name. I've never heard of it  
19 before.

20 Q. Okay.

21 A. Um, I'm sure there was maybe one -- one other, or  
22 two, but I -- I can't remember putting faces to it because  
23 seeing everybody just brought back a lot of stuff.

24 Q. And who -- was anybody with you when you watched  
25 those deposition snippets?

26 A. Besides Miss Clement?

27 Q. Was Miss Clement with you?

28 A. Yes.

1 Q. Did she tell you why she was showing you those?

2 A. She was trying to kind of let me know what was going  
3 on and to kind of -- kind of calm my nerves as to how it  
4 might be, how the questioning might be.

5 Q. Did Miss Clement offer any opinions to you -- well,  
6 what, if any, opinions did Miss Clement offer about the  
7 truthfulness of the testimony that you were watching?

8 A. She -- she just said these are questions that are  
9 being asked. They're answering the questions.

10 Q. All right. In addition to reviewing these  
11 deposition segments, what else did you do during that  
12 two-and-a-half or three hours?

13 A. I talked a majority of the time.

14 Q. Did you look at any records?

15 A. The only thing I believe she showed me was my -- my  
16 job description. I don't even -- I'm not sure if I even  
17 saw it that day.

18 Q. You don't remember what you looked at the day you  
19 met with Miss Clement?

20 A. Official records, no. I mean, she showed me like  
21 notes that she had taken, per our conversation we had  
22 consistently been having. And she showed me slides of  
23 things that -- where she had put together. But I don't  
24 recall seeing any physical records.

25 Q. She showed you storyboards?

26 A. Yes.

27 Q. How many storyboards did she show you?

28 A. I think she showed me three or four.

1 Q. Did you bring any documents to your meeting with  
2 Miss Clement?

3 A. No.

4 Q. Do you have any documents related to your time at  
5 Emerald Hills?

6 A. No.

7 Q. How many -- so -- so that was the first time you met  
8 with Miss Clement, was a week ago Saturday?

9 A. Correct.

10 Q. When was the next time?

11 A. Yesterday, when I was supposed to go on the stand  
12 and I never did. And I didn't really meet with her because  
13 she was in here.

14 THE COURT: Mr. Reid, how much more do you have?

15 MR. REID: I'm almost done.

16 THE COURT: As in less than five minutes?

17 MR. REID: Yes. Yes.

18 THE COURT: Okay.

19 Q. (By MR. REID) You worked at Emerald Hills for a  
20 long time. Tell me about residents who lived there the  
21 entire time you worked there.

22 Were there any?

23 A. Yeah. There were residents that were there before I  
24 started, and then there were residents that were  
25 there after I left.

26 Q. Okay. So what's the longest time you remember  
27 someone living at Emerald Hills while you worked there?

28 A. I think about six, seven years. I mean, I'm sure

1 that there were probably people that were there longer.

2 But just recalling -- I mean, it was quite a while.

3 Q. And from your perspective, you interacted with these  
4 folks and knew them and had a good relationship with them,  
5 right?

6 A. Mm-hmm.

7 Q. Correct?

8 A. Yes.

9 Q. So from your perspective, why do you think they  
10 liked to live there?

11 MS. CLEMENT: Objection; it's leading.

12 THE COURT: Sustained.

13 Q. (By MR. REID) Can you tell us, if you have an  
14 understanding, why did people like living at Emerald Hills?

15 MS. CLEMENT: Still leading.

16 THE COURT: Sustained.

17 Q. (By MR. REID) What, if any, impression did you have  
18 about whether people liked living at Emerald Hills?

19 A. I think that there were people there that were  
20 content, and I think that there were some people there that  
21 they didn't have anywhere else to go.

22 Q. So, content. That's it? That's the best you can  
23 say about Emerald Hills?

24 A. I believe that there were some residents at times  
25 that were happy. I believe that there were residents there  
26 that weren't happy. And I believe there were residents  
27 there that maybe didn't want to be there. Their families  
28 didn't want to move them out. I wouldn't want to engage in

1 conversations and bring up negative stuff with residents,  
2 so I would just generally try to bring up positive  
3 conversations not always having to do with Emerald Hills.

4 Q. Would you go back and work at Emerald Hills if you  
5 were offered the head marketing position?

6 A. I think that -- when I had applied for it, I thought  
7 that maybe as a concierge I wasn't being heard, but as a  
8 manager I could maybe make a difference. But I don't think  
9 that one person can make a big enough difference, so I  
10 don't know if I would go back. I can't honestly answer  
11 that.

12 MR. REID: Those are all the questions I have.  
13 Thank you.

14 THE COURT: Ladies and gentlemen, let's take our  
15 afternoon break. Leave your notebooks on the chairs.  
16 Remember the admonitions. Let's be back, ready to go, at  
17 3:30.

18 We are in recess.

19 (Recess.)

20 (Change of reporters.)

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1       **(The following proceedings were held in open court, inside**  
2                               **the presence of the jury:)**

3           COURT ATTENDANT: Please come to order. Department 45  
4 is once again back in session. The honorable Judge Judy  
5 Hersher now presiding. You may be seated.

6           MS. CLEMENT: No questions, your Honor.

7           THE COURT: Ladies and gentlemen, do you have any  
8 questions for this witness? Okay.

9           Please approach.

10                               (Sidebar conference was held.)

11          THE COURT: Hi.

12          THE WITNESS: Hi.

13          THE COURT: So we allow our jurors to ask questions.

14          THE WITNESS: Okay.

15          THE COURT: Please turn and respond to them after I  
16 ask you the question.

17          THE WITNESS: Okay.

18          THE COURT: Um, earlier today you listed off names of  
19 executive directors that were there when you were there.

20          THE WITNESS: Uh-huh.

21          THE COURT: This juror wants to know, How many  
22 executive directors were there during your tenure?

23          THE WITNESS: There were -- I started with Angela  
24 Johnson --

25          THE COURT: They don't really need the names --

26          THE WITNESS: Just numbers.

27          THE COURT: Think about the numbers.

28          THE WITNESS: I put in -- there were five.

1 THE COURT: How much time would you say lapsed between  
2 each of -- when one executive director started and then  
3 left?

4 THE WITNESS: Couple of days or weeks possibly. Not  
5 very long.

6 THE COURT: How many resident care directors were  
7 there during your tenure?

8 THE WITNESS: Um, in the entire time I worked there  
9 there was between, I want to say, seven or eight. Not all  
10 were hired to work the building, some were stand-ins.

11 THE COURT: Were you familiar with care alerts?

12 THE WITNESS: Yes.

13 THE COURT: And how -- how did you -- how did you  
14 become familiar with care alerts?

15 THE WITNESS: Um, care alerts were, um, when the,  
16 um -- on the computer screen was when the pagers would go  
17 off, that would be the -- the alerts to let the residents  
18 know -- the RAs know the residents were paging.

19 THE COURT: Okay. Were you aware of anything else  
20 that might have been referred to as a care alert?

21 THE WITNESS: Um, the only other thing I can possibly  
22 think of that would be referred to that is in a stand-up  
23 meeting when the nurse would possibly bring up, um, concerns  
24 to, um -- for care for a resident.

25 THE COURT: Okay. Were you, um, familiar with  
26 anything that might be in writing about a particular  
27 resident?

28 THE WITNESS: Um, I mean, I would -- I was involved in

1 a lot of stuff that had to do with writing for residents'  
2 evaluations, um, the physician's forms.

3 THE COURT: But nothing that you saw titled care  
4 alerts?

5 THE WITNESS: Um, not off -- not specifically titled  
6 care alert, no.

7 THE COURT: Okay. Did you observe Peggy Stevenson  
8 interact with residents?

9 THE WITNESS: On tours, and, um, if a family member  
10 had approached her and brought her to, um, their family  
11 member, or if a med tech would address it, but unless she  
12 was sought after, not -- not regularly, no.

13 THE COURT: Did you ever observe her administer  
14 medication?

15 THE WITNESS: No.

16 THE COURT: Did you ever observe her provide wound  
17 care?

18 THE WITNESS: No.

19 THE COURT: How, if at all, was the computer monitored  
20 at your desk for the residents' alert call button when you  
21 were off?

22 THE WITNESS: As far as I know it would be up to the  
23 RA or the med tech to periodically check it once I was gone  
24 because no one was stationed at the desk.

25 Um, on my days off they had another person that was an  
26 assistant to the business office that would sometimes come  
27 up there, but normally she was in the business office  
28 herself.



1           THE COURT: Do you have a lawyer personally  
2 representing you in this case?

3           THE WITNESS: No.

4           THE COURT: During your tenure, was the facility ever  
5 at or near full capacity?

6           THE WITNESS: When I moved in we were at full capacity  
7 with a waiting list, and after Nancy Cordova started I don't  
8 believe we got any higher than 75 percent.

9           THE COURT: From your perspective, was staff turnover  
10 a problem?

11          THE WITNESS: Absolutely.

12          THE COURT: And how was it a problem?

13          THE WITNESS: I felt -- I could understand if RAs  
14 might come and go because I know it's a physically demanding  
15 job, but I felt that we went through management way too fast  
16 because we were training people -- I mean, they were there  
17 for such a short amount of time. Half of the time they were  
18 still learning the job and not actually even getting to do  
19 their job, so they were learning and having to learn from  
20 people who shouldn't be teaching them. Um, they were trying  
21 to learn about residents from med techs and RAs as opposed  
22 to med techs and RAs trying to learn from -- from them.

23          THE COURT: After you left Emerald Hills did you ever  
24 attempt to visit there?

25          THE WITNESS: Yes. I came back, um, multiple times.  
26 I had a very good friend that worked there, and I was still  
27 in contact with residents. And then once I left I stayed in  
28 contact with, um, some families.

1           THE COURT: Were you allowed to visit with, um,  
2 Emerald Hills' residents when you returned?

3           THE WITNESS: I -- I was allowed. It wasn't welcomed.  
4 It wasn't very warming.

5           THE COURT: The instructions that you received from  
6 Emerald Hills management, would you describe it as training  
7 for your job or coaching?

8           THE WITNESS: I -- I would -- I would say it was  
9 coaching.

10          THE COURT: And why would you say that?

11          THE WITNESS: I would say it was coaching because I  
12 think that when you are trained you're learning something  
13 and in a situation like that you're learning to do something  
14 to possibly fix a situation or to learn to not how to do  
15 something the wrong way. And coaching was more or less how  
16 to put a Band Aid or a mask over it, to make it appear more  
17 positive than what it is. It's not fixing a situation, it's  
18 just, you know, putting a Band Aid on it, putting a veil  
19 over it.

20          THE COURT: Other than meeting with Ms. Clement that  
21 we heard about earlier today, did anyone else prepare you  
22 for your testimony at trial?

23          THE WITNESS: No.

24          THE COURT: If you know, how many different types of  
25 patient files were there for a single person at Emerald  
26 Hills?

27          THE WITNESS: We would have a file in the business  
28 office which included everything from their level of care,

1 the cost, and then if they also received meds they would  
2 have a file in the med room. So there would be normally a  
3 total of two.

4 THE COURT: Were you in charge of, um, maintaining  
5 these files?

6 THE WITNESS: It was -- I -- I wasn't the main person  
7 that was in charge of them, but that was one of my duties is  
8 maintaining them, doing checks and audits, making sure we  
9 had all of the correct paperwork and it was up-to-date. So  
10 it was one of my responsibilities.

11 THE COURT: So with respect to those files that you  
12 need to make sure had all of the correct paperwork and were  
13 up-to-date, did those files appear to be complete to you?

14 THE WITNESS: I -- when they would move in I would try  
15 to make them as complete as possible. Sometimes there would  
16 be forms that the family hadn't gotten back to us or that  
17 needed to be signed by management that wouldn't be in there.  
18 Sometimes files, when we would do audits, would originally  
19 have stuff and then it would have stuff that were missing.  
20 So very rarely was there ever really a 100 percent complete  
21 file.

22 THE COURT: What did Highate ask you to do that made  
23 you leave after 90 days?

24 THE WITNESS: They were asking me to start  
25 administering medication, and I had not had proper training  
26 to be a certified med tech.

27 THE COURT: Did you have your deposition taken in this  
28 case prior to testifying here today?

1 THE WITNESS: I did not, no.

2 THE COURT: Did you ever, um, express any of your  
3 concerns about Emerald Hills to any Department of Social  
4 Services employee who might be inspecting the facility?

5 THE WITNESS: Not to the Department of Social  
6 Services, no.

7 THE COURT: Where are you currently working?

8 THE WITNESS: I am a, um, sales and support specialist  
9 for a commercial cleaning company. I also work for Farmers  
10 Insurance, and I'm a licensed cosmetologist.

11 THE COURT: Okay. Any follow-up, Ms. Clement?

12 MS. CLEMENT: No, your Honor.

13 THE COURT: Any follow-up, Mr. Reid?

14 MR. REID: No, your Honor.

15 THE COURT: May we excuse this witness?

16 MS. CLEMENT: Yes, your Honor.

17 MR. REID: Yes.

18 THE COURT: Thank you very much. You're excused.

19 THE WITNESS: Thank you.

20 THE COURT: Terrance, if we could put the binder back,  
21 please.

22 Who is our next witness?

23 MS. CLEMENT: Lisa Paglia, your Honor.

24 THE COURT: Lisa Paglia?

25 MS. CLEMENT: Yes. P-a-g-l-i-a. Being called under  
26 776.

27 MR. REID: Could we be heard at sidebar about that?

28 THE COURT: Yes. Come on up.